

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUTH V. BRIGGS, .
 . Case No. 1:16-cv-248
Plaintiff, .
 .
vs. . 601 Market Street
 . Philadelphia, Pennsylvania 19106
 . July 16, 2018
 .
TEMPLE UNIVERSITY, .
 .
Defendants. .

TRANSCRIPT OF TRIAL
DAY 1 - P.M. SESSION
BEFORE THE HONORABLE ROBERT F. KELLY
UNITED STATES DISTRICT JUDGE
AND A JURY

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1 AFTERNOON SESSION

2 (Proceedings resume after Luncheon Recess at 1:33 p.m.)

3 (Call to order of the Court)

4 (Jury not present)

5 THE COURT: All right. Be seated.

6 Bring the jury in.

7 MS. MATTIACCI: Your Honor?

8 THE COURT: Yes.

9 MS. MATTIACCI: We just wanted to put a stipulation
10 on the record, real quick.

11 THE COURT: All right.

12 MS. MATTIACCI: Is that okay?

13 We -- the parties have agreed that we're going to
14 bifurcate the trial in terms of punitive damages. So, we
15 just wanted to state that because this would be the witness
16 in which we would elicit testimony concerning the financial
17 net worth of Temple University, but we were agreeing to
18 stipulate to bifurcate that information.

19 MR. HARRIS: So stipulated, Your Honor. So
20 stipulated.

21 THE COURT: How are you going to bifurcate it? I
22 don't understand.

23 MS. MATTIACCI: Well, normally, there would be a
24 question that goes to the jury on the original jury form that
25 would be the liability question on punitive damages and if

1 they say yes to liability, there would be a second phase, a
2 short second phase, in which just the financial data is
3 entered and usually just brief closing arguments on why
4 punitive damages should be assessed at a certain amount and
5 then the jury deliberates to assess the amount of punitive
6 damages.

7 If, on the original verdict sheet, they say no as
8 to the liability question on punitives, then we don't get to
9 the second phase in terms of the amount.

10 THE COURT: That's fair.

11 MR. HARRIS: So stipulated.

12 THE COURT: So, what do we do?

13 MS. MATTIACCI: So, what would happen is if the
14 jury does come back with yes on punitive damages, then we
15 would call back Mr. Wacker to the stand just for purposes of
16 doing -- stipulating to the net worth of Temple, unless
17 Temple can just agree to a number, then we just give the jury
18 the number and we don't need a witness.

19 MR. HARRIS: As this Court probably anticipated, I
20 will be moving at the conclusion of the Plaintiff's case to
21 remove that question from the jury.

22 THE COURT: That's a different matter. All right.

23 MS. MATTIACCI: Okay.

24 UNIDENTIFIED: Can we please move this easel for
25 the jury?

1 MS. MATTIACCI: Oh, yes.

2 THE COURT: And I don't want you -- we're not going
3 to watch you taking notes on that anymore. If you have -- if
4 it's that important to you, have an associate take the notes.

5 MS. MATTIACCI: Okay. If -- we can do that. That
6 would be great, Your Honor. If there are things we just
7 think are important that later on is -- are going to be
8 important when other witnesses come in, so ...

9 THE COURT: Yeah, but you can always fill that in
10 and out in accordance with what the testimony was.

11 MS. MATTIACCI: Okay.

12 THE COURT: I just don't want to sit here and watch
13 you take notes and nothing's happening.

14 MS. MATTIACCI: Okay. Thank you.

15 THE COURT: One of the jurors is not there.

16 MS. MATTIACCI: Your Honor, could my co-counsel
17 write on it while I'm asking questions?

18 THE COURT: Sure, yes.

19 (Pause in proceedings)

20 THE COURT OFFICER: The juror is on the 11th floor
21 now, Judge. She should be here at any minute.

22 THE COURT: Okay.

23 (Pause in proceedings)

24 THE COURT OFFICER: All rise.

25 (Jury present)

1 THE COURT: You may be seated.

2 All right. You may continue.

3 GREGORY WACKER, WITNESS FOR THE PLAINTIFF, PREVIOUSLY SWORN,
4 RESUMES STAND.

5 CONTINUED DIRECT EXAMINATION

6 BY MS. MATTIACCI:

7 Q Mr. Wacker, now, there's no dispute that Ms. Briggs
8 never received a single performed deficiency write-up, prior
9 to the one that she received, that is dated November 9, 2011,
10 correct?

11 A I do not know that.

12 Q Do you know of any before that time?

13 A Not that I'm aware of.

14 Q When Ms. Briggs came to talk to you about Dr. Wu saying
15 to her, We put women out to pasture at age 55 in China, you
16 understood that she was relating to you a complaint of sex
17 and age discrimination, correct?

18 A No, because it was in the context of a whole group of
19 people there. She was blurting out a statement that might
20 have been said, but, yes, if it was in a different context,
21 it could be construed as that, yes.

22 Q Isn't it true that when an employee relays to you a
23 complaint of sex or age discrimination or race
24 discrimination, that you refer that employee, then, to Sandy
25 Foehl, who is the equal employment office employee?

1 A Yes.

2 Q Okay. And isn't it true that when Ms. Briggs relayed to
3 you what Mr. -- what Dr. Wu said to her about putting women
4 out to pasture in China, that you then referred her to go
5 speak with Sandy Foehl in the EEOC office -- EEO office?

6 A I may have.

7 Q And you did that because you believed that she was
8 relaying to you a complaint of sex and age discrimination,
9 otherwise, you wouldn't have sent it to Sandy Foehl, correct?

10 A She did not convey it as a complaint. It was a comment
11 that she had made and if she made it as that, I would advise
12 her to go to Sandy Foehl.

13 Q If Dr. Wu, in fact, said, We put women out to pasture
14 when they turn 55 in China, would that be an appropriate
15 thing for him to say?

16 A I don't know the context in what that was said as, if it
17 was said as a part of cultural differences, which we have a
18 lot of diversity within Temple with cultural differences. If
19 it was said in that context, it would not be.

20 Q But you did not know?

21 A I did not know, yes.

22 Q And you didn't do anything to investigate it, correct?

23 A If I did anything, it would have been tell Ruth to see
24 Sandy Foehl.

25 Q Who's in charge of handling complaints of sex and age

1 discrimination, correct?

2 A Yes.

3 Q Isn't it true that after Ms. Briggs appraised Dr. Wu in
4 that conversation in which she said, With all due respect,
5 we're not in China; we're in the United States, that Dr. Wu
6 didn't want to work with Ms. Briggs anymore?

7 A Not that I'm aware of.

8 Q Isn't it true that within two months of that comment,
9 you encouraged Ms. Briggs to apply for jobs outside of that
10 department?

11 A Ruth would continually talk to me for advice on
12 different things and if she was unhappy in her position, she
13 would be encouraged to apply for opportunities elsewhere
14 within the university, as I do to my own employees who report
15 to me, of which many have stepped up to higher-level
16 positions and been promoted.

17 Q My question was just that within two months of this
18 conversation, you encouraged Ms. Briggs to apply for
19 positions outside of Dr. Wu's office, correct?

20 A I don't know what the time frame on that was, but it's
21 consistent with what I would tell her if she was unhappy with
22 her position.

23 THE COURT: But do you have a specific recollection
24 of that to her?

25 THE WITNESS: I do have a specific recollection of

1 telling her to apply for opportunities outside, you know, of
2 our department.

3 BY MS. MATTIACCI:

4 Q And that was within two months of the conversation about
5 when Dr. Wu said, We put women out to pasture at 55, correct?

6 A I don't recall the exact timing of that.

7 Q Okay. I'd like you to take a look at defendant's
8 document D-47. Just look at the first page of that document
9 and read to yourself that, you know -- let me know if that
10 refreshes your recollection that within two months of the
11 conversation in which Dr. Wu told her, We put women out to
12 pasture at 55, you encouraged her to apply for positions
13 outside of Dr. Wu's department?

14 A Yes, this was within that time frame.

15 Q And isn't it true, also, in January of 2012, that you
16 told Ms. Briggs that you would be happy to provide a
17 reference to her?

18 A Yes.

19 Q So, as of 2012, she must not have had such horrible
20 performance issues because you were happy to provide a
21 reference for her so she could get a job outside of Dr. Wu's
22 department, correct?

23 A No, it was just a thing that I would do to help people
24 find another job.

25 Q You would do that even if she had such significant

1 performance issues that you would put your name on a letter
2 of reference for her?

3 A It would depend what the position would be and where it
4 would be and what it would be dealing with.

5 Q Well, how about specifically with Ms. Briggs situation,
6 you'd agree with me that as of 2012, she did not have
7 significant performance issues to the point where you would
8 not sign off on a reference letter, correct?

9 A No, she did have significant performance issues.

10 Q So, even though she has significant performance issues
11 as of 2012, you said that you would be happy to provide a
12 reference to her?

13 A Yes.

14 Q And pass her off to another department at Temple?

15 A Yes now.

16 Q Now, besides the disciplinary write-up that occurred on
17 November 9th, 2011, two months before that on the same day of
18 the "putting out to pasture" comment, are there any -- was
19 there any other documentation of poor performance as of that
20 time?

21 A I'm not sure what was in documentation form.

22 Q Let me just ask you if this statement is true or false:
23 Wu requested Ruth be terminated. Is that true or false?

24 A False.

25 MS. MATTIACCI: Can you put false up there, please.

1 UNIDENTIFIED: Uh-huh.

2 MS. MATTIACCI: Your Honor, may I approach the
3 witness with his deposition?

4 THE COURT: Yes, please.

5 BY MS. MATTIACCI:

6 Q I would like you to turn to Page 48 of your deposition.
7 Are you there?

8 A I believe so.

9 Q Okay. Now, before we get to the specific content, what
10 I just handed you was the transcript of the deposition that
11 was taken of you on June 29th, 2017, correct?

12 A Yes.

13 Q And that was just about a year ago -- a little over a
14 year ago?

15 A Yes.

16 Q And in that deposition you were asked questions and you
17 gave answers, correct?

18 A Yes.

19 Q And those answers that you gave at that time, they were
20 under oath, correct?

21 A Yes.

22 Q An oath to tell the truth?

23 A Yes.

24 Q And the same oath that you took before you testified
25 today?

1 A Yes.

2 Q Now, turn to Page 48. Here we go. Okay. Can you -- go
3 down to Line 21. The question was asked of you at your
4 deposition:

5 "Did you express to Deirdre Walton" --

6 That's the HR person, correct?

7 A Yes.

8 Q "-- that it was Dr. Wu's request to terminate Ruth
9 Briggs?"

10 Do you see that?

11 A Yes.

12 Q And last year when your deposition was taken, you said,
13 Yes, correct?

14 A "I would say yes."

15 Q "I would say yes," correct?

16 A Yes.

17 Q But today you want to change your testimony and today
18 you deny it?

19 A No, Dr. Wu requested that I take the appropriate
20 disciplinary action at Ruth for her work inefficiencies and
21 those work inefficiencies led to the classification of the
22 termination under Temple University work rules. So, Dr. Wu
23 did not say, Terminate her. He said, Here are the
24 violations, what are the work rules?

25 And the work rules led to termination, at which point

1 Dr. Wu would have then most likely been asked by Drew, Have
2 you -- are you okay with this?

3 Q But the question was simple: Did you express to Deirdre
4 Walton that it was Dr. Wu's request to terminate Briggs --
5 Ruth Briggs, and you're saying that it was not Dr. Wu's
6 request to terminate Ruth Briggs now?

7 A Through the process of the disciplinary action that was
8 being handed up to HR, the discipline out of that is
9 termination and Dr. Wu was okay with the termination.

10 Q But you're saying he didn't request for her to be
11 terminated?

12 A He requested for the appropriate disciplinary action to
13 be taken, which may include up to termination.

14 Q So, what you testified to in your deposition is not
15 true?

16 A No, it is true.

17 Q I don't think it can be both, Mr. Wacker?

18 MR. HARRIS: Objection; argumentative.

19 THE COURT: Sustained.

20 BY MS. MATTIACCI:

21 Q Now, is it your position that Ms. Walton, who is the HR
22 person, never relayed to you that Ms. Briggs was complaining
23 about a hostile work environment?

24 A I don't recall.

25 Q So, she may have relayed to you Ms. Briggs' complaint of

1 hostile work environment?

2 A I -- I don't recall.

3 Q Is it your position that Ms. Walton never relayed to you

4 Ms. Briggs' complaints of sex and age discrimination?

5 A I don't recall her conveying them to me.

6 Q Is it your position that Ms. Walton never relayed to you

7 Ms. Briggs' complaints of retaliation?

8 A I don't recall.

9 Q Isn't it true that you helped to draft the termination
10 letter of Ms. Briggs?

11 A Yes.

12 Q Okay. And this termination letter that you drafted was
13 April 1st, 2014, correct?

14 A Yes.

15 Q That says, Over the last week, we have investigated two
16 work-related items that were brought to the dean's attention
17 -- dean's office -- dean's office attention, specifically.

18 And then it talks about the first one is the expense not
19 being put in correctly?

20 A Yes.

21 Q And then the second one was booking a room for the
22 professor, but the professor did ultimately sleep in a hotel
23 room that night in Philadelphia, correct?

24 A Yes.

25 Q Okay. And then for those two issues, she was issued

1 C-4, negligence, careless, and C-3, disruptive or disorderly
2 conduct, correct?

3 A Correct.

4 Q And under Temple's policies, you're aware that
5 discipline or infractions of their discipline policy come in
6 either level A, B, C, or D. Isn't that correct?

7 A That is correct.

8 Q And in order for termination to happen, you have to have
9 two Level-C violations within a 12-month period. Isn't that
10 correct?

11 A I believe so.

12 Q So, in order to terminate her, these were the two
13 reasons that were stated that led to her termination?

14 A I believe so.

15 Q Now, when deciding to terminate Ms. Briggs, you did not
16 take into account her complaints of sex discrimination, age
17 discrimination, retaliation, and hostile work environment,
18 correct?

19 A Can you repeat that question?

20 THE COURT: Did not take into consideration those
21 things?

22 MS. MATTIACCI: Yes. Let me restate it.

23 THE COURT: Well, why --

24 BY MS. MATTIACCI:

25 Q Did the facts -- when you made this decision to

1 terminate Ms. Briggs, did you do anything to ensure that the
2 decision was not being made in retaliation for complaints
3 made by Ms. Briggs?

4 MR. HARRIS: Objection, Your Honor. I believe Mr.
5 Wacker has already stated on numerous occasions that he did
6 not make the termination decision.

7 THE WITNESS: Yeah.

8 THE COURT: Sustained.

9 BY MS. MATTIACCI:

10 Q Okay. So -- but you helped to draft this termination
11 letter, correct?

12 A Yes.

13 Q And you signed the termination letter, correct?

14 A Yes.

15 Q So, when you drafted the termination letter and signed
16 the termination letter, before you did that, did you do
17 anything to ensure that this decision to terminate was not
18 effected by a biased retaliation?

19 A It would have been gone back to Labor Relations for a
20 review and confirmation that, indeed, we should proceed.

21 Q Did you do anything, is my question?

22 A No.

23 Q And did you do anything before you signed this letter
24 and drafted this letter to ensure that the decision to
25 terminate was not effected by bias for an older female worker

1 or against an older female worker?

2 A I had no knowledge of any of that being in the equation
3 at all.

4 Q So, you did not know at the time that you signed this
5 that she had made any complaints of age or sex
6 discrimination?

7 A Not that I'm aware of.

8 Q Now, have there been any other claims of sex
9 discrimination brought against the department where you work
10 in, specifically concerning you?

11 A Not that I'm aware of.

12 MR. HARRIS: Your Honor, may I see you at sidebar?

13 THE COURT: Yeah.

14 (Sidebar)

15 MR. HARRIS: Your Honor, I'd object to this line of
16 inquiry. It seems --

17 THE COURT: This was asked --

18 MR. HARRIS: It's the implication --

19 MS. MATTIACCI: It's not. There's a -- this was
20 testified to in Walton's --

21 THE COURT: Now, wait a minute. Your question was
22 as to by him?

23 MS. MATTIACCI: Yeah. Yep. Is there a claim of
24 sex discrimination against him. It's a difference and so --

25 MR. HARRIS: I don't believe you said -- I don't --

1 if you said "him," I didn't hear that.

2 MS. MATTIACCI: Against him.

3 THE COURT: That's what she said.

4 MR. HARRIS: Oh, she said, "Against him"?

5 THE COURT: I was surprised --

6 MS. MATTIACCI: He was in the -- Deirdre Walton
7 will testify to it and she testified to it in her deposition.

8 THE COURT: All right.

9 MR. HARRIS: I don't have any objection to that.

10 (Sidebar concluded)

11 THE COURT: Repeat your question, please.

12 BY MS. MATTIACCI:

13 Q Mr. Wacker, are you aware of any claims of sex
14 discrimination that were brought against, specifically,
15 meaning you?

16 A Not that I'm aware of.

17 Q Now, as the finance administrator of Temple, you would
18 be aware, then, of the amount of grant money that Dr. Wu is
19 responsible for bringing into the university, correct?

20 A Yes.

21 Q How much money does Dr. Wu responsible for bringing in?

22 A I don't recall the exact number -- a million dollars.

23 Q A million dollars?

24 A Approximately.

25 Q And if Dr. Wu was fired, that grant money that he brings

1 in would not be brought into Temple if it's the grant on his
2 name, correct?

3 A Not necessarily. Under the grant rules, Temple
4 University has the ability to retain those grants if they can
5 show that they have somebody that is as qualified as Dr. Wu
6 to retain those grants and complete the work.

7 Q In terms of his stature at -- in Temple, he was at that
8 time, the chair of the Computer and Information Science
9 Department in 2014, correct?

10 A Yes.

11 Q And he often traveled to China in part of his research
12 and the papers that he wrote, correct?

13 A Yes.

14 Q And he often, when he was in China, would handpick
15 Chinese students to bring back to China -- I mean bring back
16 to the United States as his graduate students. Isn't that
17 correct?

18 A I'm not aware of that.

19 Q Okay. And you would agree with me that if Dr. Wu were
20 terminated, any future grant money that he may have brought
21 in would be a loss to Temple, correct?

22 A That would be correct, yes.

23 THE COURT: Is that it, then, with this witness?

24 MS. MATTIACCI: Yes, Your Honor. No further
25 questions.

1 THE COURT: Do you have any questions at this time?

2 MS. SATINSKY: I do, Your Honor.

3 MR. MUNSHI: Your Honor, may I step away to see if
4 the next witness is outside --

5 THE COURT: Sure.

6 MR. MUNSHI: -- while counsel is conducting the
7 examination?

8 CROSS-EXAMINATION

9 BY MS. SATINSKY:

10 Q Good afternoon, Mr. Wacker.

11 A Good afternoon.

12 Q Counsel asked you about this document earlier -- these
13 were defendant's interrogatory responses -- have you ever
14 seen this document before today?

15 A No.

16 Q Do you know who prepared this document?

17 A No.

18 THE COURT: You're just showing him one small
19 segment.

20 BY MS. SATINSKY:

21 Q Mr. Wacker, if you would, take a look through this
22 document. I believe it's Plaintiff's Exhibit 62 in the
23 binder and it should also come up for you on the screen. So,
24 take a look through this and let me know if you've ever seen
25 this before today.

1 A Which one is it in, the Plaintiff's?

2 Q Yes.

3 A Okay, 62.

4 Q It should also be on the screen in front of you.

5 A Okay. I don't believe I've seen this document or know
6 who generated this document.

7 Q Thank you.

8 MS. SATINSKY: Can you please pull up 51.

9 BY MS. SATINSKY:

10 Q Mr. Wacker, did you testify about this document earlier?

11 A Yes.

12 Q What is the date on this document?

13 MS. MATTIACCI: Objection, Your Honor; asked and
14 answered.

15 THE COURT: I don't know if --

16 MS. SATINSKY: Your Honor, I simply asked him what
17 the date is. I'm going to ask him one or two other questions
18 about this document.

19 THE COURT: Okay. Overruled.

20 THE WITNESS: It issued February 14th, 2005.

21 BY MS. SATINSKY:

22 Q What position was this for?

23 A An executive assistant senior coordinator for the
24 department -- that would have been coming into the dean's
25 office.

1 Q Was this the position under Dr. Wu that Ms. Briggs had?

2 A This was not, no.

3 Q Mr. Wacker, can you please provide us with your
4 educational background.

5 A A Bachelor's in Business Administration.

6 Q What position do you currently have at Temple?

7 A Assistant dean, finance and administration.

8 Q Can you tell us a little bit about your job.

9 A I basically handle all of the finances for the college,
10 the operating budget, the grant budgets; administratively,
11 I'll handle the purchasing, payroll information, hiring,
12 compliance with university policies and procedures and other
13 administrative responsibilities.

14 Q How long have you worked in the Department of Business
15 and Finance?

16 A I've been with Temple for approximately 15 years.

17 Q Do you know the plaintiff, Ruth Briggs?

18 A Yes.

19 Q How do you know her?

20 A She started working in the Neurovirology Department,
21 which falls under College of Science and Technology and she,
22 at some point, she, based on this position that was
23 previously identified, she applied for and was selected to go
24 into that position to work in the dean's office.

25 Q Did you work in the dean's office at that time?

1 A Yes.

2 Q What was your experience working with Ms. Briggs when
3 she worked in the dean's office?

4 A At times it would be challenging. It's a high -- you
5 know, it's a high, fast-paced environment and the ability to
6 make decisions and multitask is great and at times, she had
7 challenges with those, with doing all those items.

8 Q How was her attitude?

9 A The attitude was good. She's a likable person, but as
10 for the output and the work, there was often challenges with
11 the work in getting it done in a timely manner. It's because
12 she would get distracted easily.

13 Q Did you speak with her about her performance or
14 attitude?

15 A Quite often, you know, Ruth would talk and seek advice.
16 Situations would arise and I would try to tell her to stay
17 focused, prioritize, you know, and communicate with your
18 boss, as necessary.

19 Q When she worked in the dean's office, were you her
20 supervisor?

21 A No.

22 Q Do you know Dr. Wu?

23 A Yes.

24 Q When did you first meet Dr. Wu?

25 A When he came in as chair for the Department of Computer

1 Information Sciences.

2 Q How's your experience been working with Dr. Wu?

3 A Can you repeat that?

4 Q Sure. How was your experience working with Dr. Wu?

5 A My experience has always been very good, very cordial.
6 He's busy with a lot of activity and items going on and he
7 does reach out to you when he needs help with items and if he
8 needed anything from the dean's office, he would reach out
9 and ask and we'd be happy to help him.

10 Q Have you ever witnessed Dr. Wu yelling?

11 A I have not.

12 Q Have you ever heard Dr. Wu make any comments you found
13 objectionable?

14 A I have not.

15 Q How did Ms. Briggs come to work for Dr. Wu?

16 A While working in the dean's office, I guess there was
17 several performance issues that kept coming up, repetitive
18 performance issues that kept coming up and Dr. Wu had
19 indicated that he needed a high-level administrative person
20 to help him with his manuscripts and doing his travel and
21 communication with external people.

22 And the dean at the time, you know, suggested that we
23 see if we could get Ruth to go over into that position, as
24 opposed to firing her or taking some other type of action.

25 Q Do you know why the dean made that decision?

1 A Because I believe he also had challenges with the work,
2 with Ruth not meeting deadlines and getting travel items
3 correctly.

4 Q Do you know why the dean didn't terminate Ms. Briggs'
5 employment at that time?

6 A Off of the top, I do not know.

7 Q Was Ms. Briggs well-liked when she worked in the dean's
8 office?

9 A Yes. Yeah, she -- she was very nice, cordial, people
10 liked her. At times, you'd find her sitting on the floor
11 potting plants to make the office look a little nicer, but
12 people generally enjoyed interacting with her from that
13 perspective.

14 Q How was she like as a worker?

15 A As a worker, like I said, when she had to multitask or
16 have deadlines, she would not stay focused on those deadlines
17 and get the task at hand that needed to be handled. She
18 would get distracted and worry about other people's
19 responsibilities or other items that weren't under her
20 purview.

21 MS. SATINSKY: Could you please pull up Exhibit
22 D-4.

23 BY MS. SATINSKY:

24 Q Mr. Wacker, what is this document?

25 A This is a reassignment of Ruth to the Computer

1 Information Science Department that went through the Human
2 Resources Department. At that time when we wanted to do
3 that, we kicked up -- sent them a full job description
4 saying, Here's what we want, and we just want to transfer
5 Ruth from the dean's office to the Computer Information
6 Science Department and this is Human Resources approving it.

7 MS. SATINSKY: Your Honor, I'd like to move for the
8 admission of Exhibit D-4.

9 MS. MATTIACCI: There's no objection, Your Honor.

10 THE COURT: It may be admitted.

11 (D-4 received in evidence)

12 BY MS. SATINSKY:

13 Q As a result of the transfer you mentioned, did Ms.
14 Briggs pay change?

15 A No, despite the job being a level down, her salary was
16 not adjusted downward; it was left where it was.

17 MS. SATINSKY: Could you please turn to Page 2 of
18 this document.

19 BY MS. SATINSKY:

20 Q And Mr. Wacker, what were some of Ms. Briggs' job
21 responsibilities working for Dr. Wu?

22 A It would be to provide administrative support, helping
23 with his manuscripts, letters, also answering phones, helping
24 grant applications, and various other administrative
25 functions -- booking travel, hotels, airlines.

1 Q Initially, when Ms. Briggs went to work for Dr. Wu, how
2 was her performance?

3 A Initially, it was okay and then after a couple months,
4 there started to be some challenges with things not getting
5 completed in a timely manner and done on time.

6 Q Did Dr. Wu breeze [sic] those issues with you?

7 A Occasionally he would mention it and at that point what
8 I would do is I had an individual who worked for me that I
9 put in to mediate and follow up with Ruth and Dr. Wu to make
10 sure they were able to work together and solve any problems
11 that might arise.

12 Q Who would be that person?

13 A That would be Drew DiMeo.

14 Q Why did you choose Mr. DiMeo?

15 A He worked directly for me and was capable, competent.
16 He's an assistant director to me, at which point he was able
17 to understand and interact with HR and the Department and
18 Ruth and Dr. Wu and kind of mediate whenever there was a he
19 said/she said type of situation.

20 Q How frequently did you address issues between Dr. Wu and
21 Ms. Briggs?

22 A When she first started, they were frequently and once I
23 put Drew in place, he was the one that was mediating a lot
24 and I think he was regularly meeting. I believe they even,
25 at one point, set up weekly meetings to go over what work was

1 necessary, what needed to be done, what time frame, and help
2 make sure that both, Ruth knew and Dr. Wu knew when something
3 was going to be completed.

4 Q Did you ever personally address Ms. Briggs' deficiencies
5 with her?

6 A Occasionally she would talk and, again, she would get
7 frustrated that Dr. Wu, you know, might have been upset that
8 she didn't complete something in a timely manner and she
9 would come in and I would say, Ruth, you've got to stay
10 focused. You've got to stop worrying about other people and
11 other people's responsibilities and focus and prioritize.

12 Q Other than Ms. Briggs' comments to you about Dr. Wu, did
13 anyone else at Temple come to you about Dr. Wu?

14 A No.

15 Q Has anyone else at Temple come to you about Dr. Wu?

16 A No.

17 Q Are you typically involved in discipline within the
18 college?

19 A In my general role, I'm a facilitator. I usually don't
20 get involved until it's escalating up to the discipline
21 level, at which point, it's all I really want to do is make
22 sure that the appropriate university work rules are being
23 followed and if it is a violation, it's which violation it is
24 and all of that then gets handed off to Human Resources to
25 the Labor Relations Group for them to hash out with Drew and

1 the supervisor and HR to determine, once again, what the
2 infraction is. And at that point, he usually comes back to
3 me just to confirm that, okay, we're okay to go with this.

4 MS. SATINSKY: Could you please pull up Exhibit
5 D-7.

6 Counsel, I believe this was already admitted as
7 P-3.

8 BY MS. SATINSKY:

9 Q Mr. Wacker, what is this document?

10 A It's a Temple University disciplinary report.

11 Q How did this situation come to your attention?

12 A It would have been brought to me through, you know, Dr.
13 Wu, indicating that an incident happened or if Drew was
14 involved at the time, it would have filtered through him.

15 Q Did you have a role in issuing this discipline?

16 A It would be the same role that I've always had in all
17 the discipline. I make sure that the information is
18 gathered, sent up to Labor Relations, that Labor Relations
19 agrees with, you know, the infraction and the appropriate
20 coding of that violation and then, you know, it just runs by
21 me to say, Okay, everybody's onboard then, okay.

22 Q Mr. Wacker, earlier you testified that there were
23 occasions in which Ms. Briggs had deficiencies that she
24 wasn't disciplined for.

25 A Yes.

1 Q Why wasn't she disciplined for those?

2 A Some of the times they were brought in, you know, well
3 after the fact, you know, several months after the fact and
4 so, three or four or five items that would come in and, you
5 know, my answer, along with checking with Labor Relations is
6 that this is too far after the fact. You can't have a work-
7 rule violation and then try to take discipline three, four
8 months after the fact. It has to be ideally within the same
9 week, but sometimes it might take a little bit longer than
10 that, depending upon the communication going back and forth
11 between Labor Relations and Drew and/or the supervisor.

12 Q Any other reasons?

13 A Any other reasons?

14 Q I'm sorry. Any other reasons that you had testified
15 earlier that Ms. Briggs wasn't disciplined for certain
16 incidents, any other reasons why, other than what you've
17 testified to?

18 A Yeah, I know when she was in the dean's office, there
19 was -- were items that weren't disciplined. I was just the
20 supervisor. I wasn't aware of those issues until well after
21 the fact and at that point, there was nothing that could be
22 done.

23 MS. SATINSKY: Could you please turn to Exhibit
24 D-8.

25 BY MS. SATINSKY:

1 Q Mr. Wacker what is this document?

2 A Temple University disciplinary report for Ruth.

3 MS. SATINSKY: Your Honor, I'd like to move for the
4 admission of this Exhibit D-8.

5 THE COURT: Any objections?

6 MS. MATTIACCI: No objection, Your Honor.

7 THE COURT: It's admitted.

8 (D-8 received in evidence)

9 BY MR. HARRIS:

10 Q Mr. Wacker, how did this situation come to your
11 attention?

12 A It would come to me through either Dr. Wu or Drew or a
13 combination of the two, as has been the process that I've
14 been using.

15 Q What is the date on this document?

16 A This is March 26th, 2013.

17 Q What type of discipline was this?

18 A It was a Category C: Neglecting job duties,
19 responsibilities, or failing to carry out instructions given
20 by a supervisor.

21 Q What did this situation relate to?

22 A I think this related to the booking of the hotel and not
23 having the right dates, but Drew and HR should have the
24 supporting documentation that would support that.

25 Q Were you involved in issuing this discipline?

1 A In the same role as facilitating all the other
2 discipline throughout the college, I would just make sure
3 that the information was gathered, sent to Labor Relations,
4 verified, and once it came back, I would be involved in that
5 process.

6 Q Did you designate the category for this violation?

7 A When we send these out, we might suggest the category,
8 but Labor Relations defines the ultimate category.

9 Q At any time during Ms. Briggs' employment, did you
10 become aware that her errors or deficiencies had stopped?

11 A No.

12 MS. SATINSKY: Could you please turn to Exhibit
13 D-9.

14 BY MS. SATINSKY:

15 Q Mr. Wacker, what is this document?

16 A Temple University disciplinary report for Ruth.

17 MS. SATINSKY: Your Honor, I would like to move
18 this exhibit, D-9.

19 MS. MATTIACCI: No objection.

20 THE COURT: It's admitted.

21 (D-9 received in evidence)

22 BY MS. SATINSKY:

23 Q What is the date on this?

24 A January 20th, 2014.

25 Q What type of discipline was this?

1 A It was a violation of a work rule, an inefficiency
2 failing to meet expected standards of performance.

3 Q What type of disciplinary action was it?

4 A It was just a written warning.

5 Q How did this situation come to your attention?

6 A It would have been brought to me through Drew or Dr. Wu.

7 Q Based upon your interactions with Ms. Briggs, what was
8 your opinion of her work situation?

9 A In general, that she was unhappy with where she was and
10 didn't want to be there and when she wouldn't get tasks done
11 in a timely manner, she would be somewhat disorderly and
12 argumentative about, you know, just general work.

13 Q Was that disruptive?

14 A Yes.

15 Q In what way?

16 A In that she would come into the office -- even my office
17 when there were other people around and just, in general, be
18 dissatisfied that she didn't get something right and Dr. Wu
19 was asking her why this wasn't done today and she just didn't
20 like that it wasn't done and was getting corrected by Dr. Wu
21 for something that he was expecting to be done.

22 Q How was Ms. Briggs attitude working for Dr. Wu?

23 A At first, it started out good and then it became one of
24 argumentative and questioning everything that he wanted to
25 do.

1 Q Dismiss Ms. Briggs' employment at Temple end?

2 A Yes.

3 Q How?

4 A I was informed that she handed in her resignation.

5 Q Did you meet with Ms. Briggs regarding the ending of her
6 employment?

7 A Yes.

8 Q What happened when you met with her?

9 A We were in the process of taking disciplinary action
10 under the university work rules and met with HR and Labor
11 Relations was in the meeting with us. That was given --
12 information was given to Ruth and I believe she was given an
13 option or she was allowed to decide if she wanted to resign
14 or not.

15 Q Who was the person in HR at the meeting with you?

16 A That would have been Deirdre Walton.

17 Q Have you been aware of any other employees who've been
18 given the option to resign?

19 A Not within the College of Science and Technology or the
20 university, for all that matter.

21 MS. SATINSKY: Can you please pull up Exhibit D-24.

22 BY MS. SATINSKY:

23 Q Mr. Wacker, what is this document?

24 A This is the discipline form for the last action that we
25 were planning to take, which is the two violations of failing

1 to get the work done as directed by Dr. Wu and additional
2 information, pulling wrong dates for a booking for an
3 important visitor to the college, which led to the rules of
4 conduct violation that would cause termination.

5 Q Did you draft this letter?

6 A In conjunction with Human Resources and Deirdre Walton's
7 group, yes.

8 Q Could you go to the first bullet point.

9 A Yes.

10 Q Take a look at that. There's a reference to football.
11 Do you see that?

12 A Yes.

13 Q What's that refer to?

14 A There's an account number. When you put an expense in,
15 it's kind of whether you use Checking Account A or B or C.
16 So, it ties into an account number and an automated system
17 that Ruth was aware of and had access to.

18 Q Was this part of Ms. Briggs' responsibility for Dr. Wu?

19 A Yes.

20 Q Did you agree with this termination letter?

21 A Yes.

22 Q Why's that?

23 A Because the behavior and the work rule violations that
24 were being violated were -- were correct.

25 Q Mr. Wacker, turning back to this first bullet point

1 that's up on your screen, can you tell us what's significant
2 about this?

3 A It's -- in addition to denying that she has access to
4 it, which we apparently confirmed that she had access to it
5 prior to her getting the thing processed, she continued to be
6 disruptive and argumentative, accusing that Dr. Wu and that
7 Drew and I were liars, which continued to be the disruptive
8 actions that she exhibits whenever she was challenged on
9 something that she had done wrong.

10 MS. SATINSKY: Can you please focus in on the
11 second bullet point.

12 BY MS. SATINSKY:

13 Q Mr. Wacker, was this part of the letter that was given
14 to Ms. Briggs?

15 A Yes.

16 Q Can you explain this to us.

17 A This would have been for failing to get a hotel
18 reservation for a very important, high-profile visitor that
19 Dr. Wu had into town and he wanted it at the Conwell Inn,
20 which is on-site at Temple, so that the visitor could see the
21 Temple campus and be on campus for his whole stay. And what
22 happened is it got booked for the wrong dates. She couldn't
23 get into the Conwell Inn during those days, so the individual
24 had to stay in Center City, which meant they had to get the
25 subway or a cab or something to Temple for, you know, the two

1 or three days that they were here.

2 Q Why was that significant?

3 A That's a big impression on the outside community. This
4 is a high-scientific individual that Dr. Wu collaborates or
5 has a relationship with and it's important to put our best
6 foot forward and show that, you know, we are a top-notch
7 research institution and can handle those types of things.
8 And this, you know, presents a negative image, then, of the
9 Department and Dr. Wu.

10 Q Mr. Wacker, do you know whether Ms. Briggs spoke with
11 Sandy Foehl before the end of her employment?

12 A I do not.

13 Q Do you know what she might have spoken with Sandy Foehl
14 about?

15 A I do not.

16 Q Do you know whether Ms. Briggs complained of
17 discrimination while she worked at Temple?

18 A I do not.

19 Q Do you know whether Ms. Briggs complained of retaliation
20 while she worked at Temple?

21 A I do not.

22 Q Do you know whether Ms. Briggs complained about age-
23 based harassment while she worked at Temple?

24 A I do not.

25 Q Do you know whether Ms. Briggs complained of sex or

1 gender-related harassment while she worked at Temple?

2 A I do not.

3 Q Do you know what Ms. Briggs' age is?

4 A I do not.

5 Q Do you know when her birthday is?

6 A I do not.

7 Q How old are you?

8 A I'll be 56.

9 Q Did Ms. Briggs' age have anything to do with the end of
10 her employment?

11 A No.

12 Q Did Ms. Briggs' sex have anything to do with the end of
13 her employment?

14 A No.

15 Q At any time, were you concerned that Ms. Briggs was
16 being treated differently at Temple because of her sex?

17 A No.

18 Q At any time, were you concerned that Ms. Briggs was
19 being harassed?

20 A No.

21 Q Do you know who replaced Ms. Briggs?

22 A Yes.

23 Q Who was that?

24 A It -- it was a Marilyn Grandshaw.

25 Q Is Marilyn a woman?

1 A Yes.

2 Q Do you know Marilyn's age?

3 A I do not.

4 Q Why do you believe that Ms. Briggs worked at Temple for
5 the time she did?

6 THE COURT: I'm sorry?

7 Q Why do you believe Ms. Briggs worked at Temple for the
8 time she did?

9 MS. MATTIACCI: Objection.

10 THE COURT: I -- yeah.

11 MS. SATINSKY: I can rephrase the question, Your
12 Honor, if you'd like.

13 THE COURT: Pardon?

14 MR. HARRIS: I can rephrase the question, if you'd
15 like.

16 THE COURT: Yeah, give it a try.

17 MS. SATINSKY: Sure.

18 BY MS. SATINSKY:

19 Q Why do you believe that Ms. Briggs worked at Temple from
20 2001 until 2014?

21 MS. MATTIACCI: Objection. Lack of foundation,
22 relevance.

23 THE COURT: Sustained.

24 (Participants confer)

25 BY MS. SATINSKY:

1 Q Mr. Wacker, why was Ms. Briggs permitted to work at
2 Temple from 2001 to 2014?

3 A I -- from the time she came into the Dean's Office until
4 the time she terminated, it was because individuals didn't
5 want to, basically, fire her. They liked her, personally,
6 and they just didn't want to -- because of all of the errors
7 and mistakes, they just didn't want to -- they didn't want to
8 fire her.

9 Q So why, at the end, was her termination recommended?

10 A I -- because the mistakes started to impact the image of
11 Temple, and they were becoming repetitive, the same ones over
12 and over again.

13 MS. SATINSKY: I have no further questions at this
14 time, Mr. Wacker.

15 THE COURT: Yes?

16 MS. MATTIACCI: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. MATTIACCI:

19 Q Mr. Wacker, you testified that there were individuals
20 that didn't want to fire Ms. Briggs in 2011 and 2014.

21 A Yeah.

22 Q Which individuals did not want to fire Ms. Briggs?

23 MS. SATINSKY: Your Honor, I said 2001 to 2014.

24 MS. MATTIACCI: I'm sorry.

25 BY MS. MATTIACCI:

1 Q 2001 to 2014. Which individuals did not want to fire
2 Ms. Briggs?

3 A It would have been --

4 (Off the record, back off the record 2:32 p.m.)

5 Q Anybody else?

6 A I mean, Dr. Wu wouldn't want to fire them either, unless
7 performance issues were the issue.

8 Q So Dr. Wu did not want to fire Ms. Briggs, all the way
9 up to 2014, until the time she was terminated?

10 A I don't believe so. He wanted corrective action taken
11 on her work performance.

12 Q And did -- were there any other individuals besides Dr.
13 Wu and the Dean, who did not want to see Ms. Briggs
14 terminated, all the way up until April 1st, 2014?

15 A I don't know.

16 Q Were there individuals who did want her terminated, up
17 until April 1st, 2014?

18 A Not that I'm aware of.

19 Q Now, in 2014, you spoke with Ms. Briggs in person,
20 correct? Multiple times.

21 A I would speak to Ruth Briggs multiple times, all
22 throughout any given year.

23 Q You would agree with me that you understood that Ms.
24 Briggs was at least 50 years old in 2014, correct?

25 A I -- I don't know because age never came up into the

1 equation.

2 Q Did you think that she was 40 years old?

3 A I didn't know how Ruth is. I don't know how old a lot
4 of -- I don't know how old -- other than myself, I don't know
5 how old anybody else in the college is --

6 Q So you --

7 A -- because I don't look at that information.

8 Q Okay. Well, in speaking with her and looking at her, is
9 it your testimony that, in 2014, that you thought it was
10 possible that Ms. Briggs was 40 years old?

11 A Late forties, maybe.

12 Q Late forties?

13 You testified on direct that this issue concerning the
14 expense report, and this -- there was -- there's a
15 discrepancy about whether Ms. Briggs had access to the
16 system, to process the expense report, correct?

17 A Yes.

18 Q Ms. Briggs said, when she went into the system, she
19 didn't have access to it, correct?

20 A Yes.

21 Q And you said it was apparently confirmed that there was
22 proof she had access to it, correct?

23 A Yes.

24 Q Have you ever seen documentation of that proof?

25 A I vaguely remember it. It -- I can't remember whether

1 it was in writing or whether it was a verbal confirmation
2 from our central computer services guys.

3 Q So there might have been something in writing about it
4 that you reviewed?

5 A I -- I don't recall whether it was in writing or
6 verbally, from the central computer services crew.

7 Q But thus far, in this trial, we haven't seen this
8 written proof, correct?

9 A Correct.

10 Q Now going to the termination letter, P-45. And I'm
11 going to bring it up on the screen, for ease of looking at
12 it.

13 A Okay.

14 Q This is the termination letter of April 1st, 2014 --

15 A Yes.

16 Q -- that you drafted and signed, or helped to draft and
17 sign.

18 And do you see, at the bottom there, it says:

19 "Effective, the end of today, your employment at
20 Temple University is being terminated."

21 Do you see that?

22 A Yes.

23 Q And this is the letter that you presented to Ms. Briggs
24 on April 1st, 2014, when she was terminated, correct?

25 A Yes.

1 Q And then it was after that period of time that she said
2 that she would submit the resignation in lieu of the
3 termination, correct?

4 A Yes.

5 Q You testified on direct that there were many, many
6 multiple occasions in which Ms. Briggs was argumentative in
7 the workplace. Is that correct?

8 A Yes.

9 Q Caused disruption in the workplace?

10 A Yes.

11 Q On direct examination, counsel took you through several
12 writeups that were given to Ms. Briggs. Were any of those
13 writeups for being argumentative?

14 A I -- I don't recall if that was part of it or not.

15 Q Let's turn to P-9. I'm sorry. D-9, in the defendant's
16 binder, that black binder.

17 A (Witness reviews exhibits)

18 Okay.

19 THE COURT: We've got to pick up the pace here.

20 MS. MATTIACCI: I'm sorry. I can -- you know, let
21 me put it right up on the screen, Your Honor. This will help
22 --

23 THE COURT: Yeah, well --

24 MS. MATTIACCI: -- move it along.

25 BY MS. MATTIACCI:

1 Q This is the writeup from January 20th, 2014. Do you see
2 that? I put it up on the screen for you, Mr. Wacker.

3 A Which one was it?

4 Q This is D-9.

5 A Oh, 8. Okay. D-9. Okay.

6 Q Can you see it on the screen, or is that too far away?

7 A No, I -- I can see it. Okay.

8 Q Okay. So there it is, January 20th, 2014. This is
9 about three months before she was terminated, correct?

10 A Yes.

11 Q And this is a violation of work rule B-10. Do you see
12 that, right there?

13 A Yes.

14 Q Okay. And what did she do to deserve this B-10 writeup?

15 A I -- I don't recall. It would have gone through, you
16 know, Drew and -- and Labor Relations.

17 Q Isn't it true that -- or maybe -- do you recollect that
18 she was written up for sleep -- oversleeping in the morning?

19 A I do -- now that you mention it, I do recall there was
20 some lateness involved.

21 Q And that she called Dr. Wu in the morning, and said she
22 had overslept and she'd be right in, correct?

23 A I don't recall the details. That would have been a Drew
24 and Labor Relations detail issue.

25 Q Okay. And you recall that Ms. Briggs lives -- or at

1 that time, lived within walking distance of Temple, correct?

2 A I do recall that, yes.

3 Q So she was able to come in that day, correct?

4 A I believe so.

5 Q Okay. Let's turn to the work rules, which are D-5. And
6 let's turn to Violation B-10. Well, actually, let's go up to
7 the top page, "Category B Violations." I'm going to put it
8 on the screen, so you can see it.

9 Category B Violations are unauthorized absence, which
10 she not absent, correct? She wasn't absent that day; she
11 came in.

12 A She came in, yes.

13 MS. SATINSKY: Objection, Your Honor. The witness
14 testified he didn't recall.

15 THE COURT: Pardon?

16 MS. SATINSKY: Objection, Your Honor. The witness
17 testified he didn't recall the circumstances.

18 MS. MATTIACCI: Well, I just asked him if she was -
19 - he said he recalls, now that I brought it up to him.

20 MS. SATINSKY: Your Honor, this is --

21 MS. MATTIACCI: That's what --

22 MS. SATINSKY: -- also beyond the scope of direct.

23 THE COURT: Well, do you recall this or not?

24 THE WITNESS: I recall instances. I don't know if
25 this was the exact incident or not --

1 THE COURT: Okay.

2 THE WITNESS: -- and that's part of the Drew and HR
3 going back and forth --

4 THE COURT: Okay.

5 MS. MATTIACCI: Okay.

6 THE COURT: And --

7 THE WITNESS: -- like I said.

8 THE COURT: You know, let's --

9 MS. MATTIACCI: In regards -- let me just --

10 MS. SATINSKY: Your Honor?

11 THE COURT: We've got to get through this witness
12 now.

13 MS. MATTIACCI: Yes, Your Honor.

14 THE COURT: You know, it's not --

15 MS. MATTIACCI: No, I don't mean to.

16 THE COURT: We have to --

17 MS. MATTIACCI: I'm just -- I just want to make
18 sure that I get all of the relevant testimony in for the
19 jury, Your Honor. And I'm --

20 THE COURT: Well, you haven't missed much. Yeah,
21 go ahead.

22 MS. SATINSKY: Your Honor?

23 MS. MATTIACCI: I'm sorry. I'm so close.

24 MS. SATINSKY: Your Honor?

25 MS. MATTIACCI: I'm so close.

1 MS. SATINSKY: If I may just put an objection on
2 the record? I object to the admission of this exhibit and
3 the line of questioning about this exhibit as beyond the
4 scope of my direct.

5 THE COURT: Overruled.

6 BY MS. MATTIACCI:

7 Q You testified on direct examination that Dr. Wu was
8 deficient in bringing to you and Human Resources this
9 disciplinary issue that he wanted to write up Ms. Briggs on,
10 correct?

11 A Yes.

12 Q Okay. And so mister -- Dr. Wu, then, he was in
13 violation of policy himself because he was not following
14 policy in doing the disciplinary writeups, correct?

15 A Faculty have a whole different set of rules that they go
16 by. They're in a union, and the union rules dictate faculty
17 performance and items as such.

18 Q Okay. So do you have any information or governance over
19 any of those rules? So, if a faculty member violates a work
20 rule, or if a faculty member does that something that
21 violates the rules of the workplace, do you have no input in
22 that?

23 A I have no input on that. That's Faculty Affairs.
24 There's faculty oversight committees, and the whole TAUP
25 contract dictates how faculty get dealt with.

1 Q So, if you learn that Dr. Wu is violating policy, who
2 handles the discipline on that policy violation?

3 A It would be Faculty Affairs.

4 Q Okay. And did you then refer that issue to Faculty
5 Affairs because --

6 A I'm not aware of Dr. Wu violating policy.

7 Q I thought you said that there was a problem that he was
8 not bringing the issues to the forefront in a timely manner.

9 A And that was an effort to help Ruth out; that, if Dr. Wu
10 waited on bringing those disciplinary actions, that I could
11 not take action against Ruth.

12 Q Okay. So you were fine with what he was doing then.

13 A There's no violation of a rule for him bringing them in
14 too late.

15 Q Okay.

16 A It's not a violation of a work rule, it's --

17 Q In regards to D-7, this is the November 9th writeup.
18 You said, on direct examination, there was information
19 gathered and sent to Labor Relations in regards to this
20 writeup. Have you ever seen any documentation of the
21 information that was gathered and sent to Human Relations
22 [sic]?

23 A I don't recall.

24 MS. MATTIACCI: I don't have any further questions,
25 Your Honor.

1 THE COURT: You may step down. Thank you.

2 THE WITNESS: Okay. Thank you.

3 (Witness excused)

4 THE COURT: Call your next witness.

5 MS. MATTIACCI: Your Honor, the plaintiff calls Dr.
6 Wu to the stand, as on cross.

7 THE WITNESS: This book fell apart.

8 MS. MATTIACCI: That's okay. I can look at it.

9 Your Honor, may I have a minute to fix the binder?

10 THE COURT: Go ahead.

11 (Pause in proceedings)

12 THE COURT OFFICER: Please raise your right hand,
13 place your left hand on the Bible, behind you.

14 JIE WU, WITNESS FOR THE PLAINTIFF, SWORN.

15 THE COURT OFFICER: Please state your full name for
16 the record, spell your last name.

17 THE WITNESS: Last name Wu. Wu. First name is
18 Jie.

19 THE COURT: You may sit down.

20 THE WITNESS: Thank you, Your Honor.

21 MS. MATTIACCI: May I proceed, Your Honor?

22 DIRECT EXAMINATION

23 BY MS. MATTIACCI:

24 Q Good afternoon, Dr. Wu. Is it true that you are
25 currently the Director of the Center for Network Computing,

1 and a Professor at Temple University?

2 A Yes, it's true.

3 Q And you're also the Director of International Affairs at
4 the College of Science and Technology, correct?

5 A Correct.

6 Q You served as the Chair of the Department of Computer
7 and Information Sciences from 2009 until 2016. Is that
8 correct?

9 A Correct.

10 Q Is it also true that you were born in China?

11 A Yes.

12 Q And you were raised in China, until you -- until
13 college, correct?

14 A Yeah, until two thousand eighty-seven.

15 Q Okay.

16 A Sorry eighteen eighty -- 1987.

17 Q Okay. And also, is it true that you came to the United
18 States and obtained your Ph.D., here at an American
19 university?

20 A Correct.

21 Q And then, from that point on, you stayed in the United -
22 -

23 THE COURT: Can Number 1 Juror see the witness?

24 (Participants confer)

25 THE COURT: Can you see him?

1 THE WITNESS: Yeah, I can see him.

2 (Participants confer)

3 THE COURT OFFICER: Can they move the computers,
4 Your Honor?

5 THE WITNESS: Yeah.

6 THE COURT: Yeah, move it, so the jury can see the
7 witness.

8 THE WITNESS: Yeah.

9 THE COURT: I didn't notice that that was blocking
10 the way. That's -- these monitors get in the way.

11 THE WITNESS: Yeah. I apologize. I just had eye
12 surgery, so my -- my eyes is like blurry --

13 THE COURT: Yeah.

14 THE WITNESS: -- and bruised, so ten --

15 THE COURT: Yeah, yeah.

16 THE WITNESS: Ten days ago.

17 THE COURT: All right. Okay.

18 MS. MATTIACCI: Okay. Thank you.

19 BY MS. MATTIACCI:

20 Q And then, since the time that you earned your Ph.D., you
21 stayed in the United States since that time, correct?

22 A Correct.

23 Q Now I got this off of your CV, so I'm just going to read
24 it, just to make sure we're correct to give some background
25 on you.

1 Is it true that your current research includes mobile
2 computing and wireless networks, routing protocol, cloud and
3 green computing, and network trust and security in social
4 network applications?

5 A Correct.

6 Q Okay. And you have published many, many papers. Is
7 that correct?

8 A Yes, correct.

9 Q And you've collaborated with other researchers on these
10 papers?

11 A Yes, all over the world.

12 Q All over the world?

13 A Yeah.

14 Q And that includes China, as well, correct?

15 A Correct.

16 Q And isn't it true that you often go back and visit
17 China, and handpick students from China, to come back and be
18 your graduate students?

19 A Correct.

20 Q And is it true that most of your graduate students are
21 from China?

22 A Yes. In fact, most of the students in our departments,
23 I think are from China or India.

24 Q Thank you.

25 And in -- I read that, in two thousand and -- in 2011,

1 you were awarded a very prestigious award in China, called a
2 "China Computer Federation Overseas Outstanding Achievement
3 Award." Is that correct?

4 A Correct.

5 Q And that award is awarded in China, for somebody from --
6 who is from China, that comes to a foreign country, you know,
7 the United States or somewhere else, and does good work in
8 the other country, correct?

9 A Correct.

10 Q And Temple actually has an office in China, correct?

11 A Correct.

12 Q Is that in Shanghai?

13 A In Beijing.

14 Q Beijing.

15 And the Director of the Office of the Temple -- of
16 Temple's Campus in China reports to you, correct?

17 A Yes. When I was Associate Vice Provost.

18 Q Okay.

19 A Yeah.

20 Q So is it fair to say that you are familiar with the laws
21 concerning discrimination in China?

22 A Yes.

23 Q And isn't it true that, in China, there are mandatory
24 retirement ages for all workers, correct?

25 A Correct.

1 Q And that would include that, in blue-collar jobs, men
2 must retire by the age of 50, correct?

3 A I'm not sure it's 50. I think it's 55.

4 Q Okay.

5 A And white-collar is sixties.

6 Q So white-collar men retire at 60?

7 A Yes.

8 Q And in blue-collar, they retire at 55?

9 A Yeah.

10 Q Okay. And how about women; what is the law --

11 A Women --

12 Q -- there?

13 A Women, I think is 50.

14 Q They have to retire at 50?

15 A Fifty, blue -- I think blue-collar, yeah.

16 Q Okay. And what about white-collar --

17 A White-collar --

18 Q -- job women?

19 A -- I think, are 55.

20 Q Fifty-five.

21 A Yeah.

22 Q Okay.

23 A I just want to comment, it's not in China, but also in
24 most of the Asian county, like Japan, Hong Kong, many other
25 countries --

1 Q Okay.

2 A -- in Asia.

3 Q Thank you.

4 And you -- because of this law of mandatory retirement,
5 many women in China retire very early, correct?

6 A Correct.

7 Q In fact, it's very common for women in China to retire
8 even at 40, correct? Or in their forties.

9 A There are some cases, but I would not say the majority
10 of cases.

11 Q Okay.

12 A Yeah.

13 Q Not the majority, but --

14 A Yeah.

15 Q -- it does happen.

16 A Yeah, there are some cases.

17 Q And in fact, your own sister retired very early,
18 correct?

19 A Yeah. Yeah. I think my sister retired in the thirties.

20 Q In her thirties.

21 A Yeah.

22 Q Okay. And you believe that there are certain jobs that
23 require younger women, correct?

24 MR. HARRIS: Objection. She has to set a
25 foundation for that question, Judge, so I would object.

1 THE COURT: Yeah, sustained.

2 THE WITNESS: So should I answer or ...

3 THE COURT: No. No, no, no.

4 THE WITNESS: Okay.

5 MS. MATTIACCI: Your Honor, may I be heard on that?

6 I --

7 THE COURT: No. Let's go on to something else.

8 MS. MATTIACCI: Okay.

9 BY MS. MATTIACCI:

10 Q Okay. Do you believe that a person should retire
11 earlier, so they're not in a certain position for a long
12 period of time?

13 A I don't believe that. I just know the fact, in China,
14 in some other country, yes.

15 Q Okay. All right. Let's talk about 2014. Okay?

16 A Uh-huh.

17 Q At that point in time, Ruth Briggs was assigned to you
18 as an Executive Assistant, correct?

19 A Correct.

20 Q Now you -- she had already been hired by Temple
21 University, correct?

22 A Yeah. She has been my Executive Assistant since 2009.

23 Q Okay. And in fact --

24 THE COURT: Hold on.

25 Q -- Ruth Briggs.

1 THE COURT: Just one moment. Wait.

2 (Off the record. Back on the record at 2:53 p.m.)

3 THE COURT: They're not picking up your voice.

4 THE LAW CLERK: Yeah, they said you're off mic.

5 MS. MATTIACCI: Wow.

6 THE LAW CLERK: So they're not picking up to
7 transcribe.

8 MS. MATTIACCI: Okay. Do I need to --

9 THE COURT: Well, maybe you can sit down and be
10 closer to the mic.

11 MS. MATTIACCI: Okay. That would be fine. How's -
12 - that should do it. That should do it.

13 THE COURT: Thanks.

14 THE LAW CLERK: Yep.

15 THE COURT: That's one of my law clerks, so ...

16 (Participants confer)

17 MS. MATTIACCI: Okay. Thank you. May I proceed,
18 Your Honor?

19 THE COURT: Yes, go ahead.

20 BY MS. MATTIACCI:

21 Q So, in 2014, at that point in time -- let me back up for
22 a second.

23 When you started at Temple, Ruth Briggs was already at
24 Temple, correct? She had been hired already.

25 A Yeah. But she works at the Dean's Office.

1 Q That's right.

2 A Yeah.

3 Q And then she was assigned, when you came onboard, to be
4 your Executive Assistant, correct?

5 A Correct.

6 Q And you recall that there was a meeting in November of
7 2011, in which at least you and Ms. Briggs, and maybe others,
8 were present, in which you said to her, how -- I hear it's
9 your birthday, how old are you. Is that correct?

10 A No.

11 Q Did you ever ask her her age?

12 A I don't ask her age. I only know that she's a similar
13 age as my -- my age, but I don't know her age.

14 Q So you're saying that you never asked her how old she
15 was?

16 A No. It's rude to ask age.

17 Q Did you know that it was her birthday on November 10thm,
18 2011?

19 A I do not know.

20 Q Was it routine for -- when it was somebody's birthday in
21 the office, that people would sign cards for each other
22 because it was their birthday?

23 A Yeah, I think we signed cards to many staff member, but
24 I may not remember all of them. So they may remind me, say,
25 okay, it's -- today is somebody's birthday, so we sign card.

1 Q Okay. And that would include Ruth Briggs --

2 A Correct.

3 Q -- correct? If it was her birthday.

4 A Yes.

5 Q And you knew, in 2014, that she was not in her thirties,
6 correct?

7 A Oh, yes.

8 Q And you --

9 A Correct.

10 Q -- believed that she was around your age, which was in
11 the fifties, correct?

12 A Correct.

13 Q And in that time of November of 2011, there was a
14 conversation in which you said to her, in China, we put women
15 out to pasture when they're 55, correct?

16 A No, it's not correct because I don't even know the words
17 at that time, the "pasture." When my lawyer ask me this, I
18 don't even know this word, so I never say this word.

19 Q Which word?

20 A The "pasture."

21 Q "Pasture"?

22 A Yeah.

23 Q You never had heard that word?

24 A No.

25 Q In 2014, how long had you been in the United States for?

1 A Maybe 26.

2 Q Twenty-six years?

3 A Yeah.

4 Q And in 26 years, you had not heard the word "pasture"?

5 A No.

6 Q Did you say words to the effect that, in China, at your
7 age, women stop working, or are not allowed to work?

8 A No. I say the general, men and womens retire early.

9 Q Okay. So state for us, specifically, as close as you
10 can remember, what you said to Ms. Briggs at that time?

11 A No, we had the very friendly conversation because Ruth
12 and I always had some kind of conversation. And especially
13 after I return from a trip, so we exchange some experience.
14 I tell her my travel experience, food. I think, in one
15 conversation, we brought up this retirement age, including my
16 sister's retirement, because when you are doing well in
17 China, you can retire early. My sister retired 30 years old.
18 And some jobs, other nations are like 60 years old for men to
19 retire. But those men can be rehired.

20 Q Okay.

21 A Yeah.

22 Q So you did have a conversation with her --

23 A Yes. Yeah.

24 Q -- in which you were discussing that older women are
25 retired in China by the time they're close to her age,

1 correct?

2 A No, no, not old women. I just mentioned a general fact,
3 the women retire early, and men also retire early.

4 Q Okay.

5 A It's a very friendly conversation.

6 Q Okay. And then she said in response to you, well, with
7 all due respect, we are in the United States.

8 A No, I don't recall if she is saying that.

9 Q What was her response when you said that then?

10 A I don't recall. I only remember it's a very friendly
11 conversation; it's not like offensive comments anything.

12 Q Were you upset when she --

13 A No.

14 Q In that conversation at all?

15 A No, I'm not upset. I don't even know that she's upset.

16 Q Okay. So then let's take a look at -- this is going to
17 be Trial Exhibit P-3.

18 THE COURT: Why don't we stop, at this point, and
19 take a ten-minute recess. The jury may go out. Ten-minute
20 recess.

21 THE COURT OFFICER: All rise.

22 THE WITNESS: Okay.

23 THE COURT: You may step down.

24 THE WITNESS: Oh, okay. Yeah.

25 (Recess taken at 2:59 p.m.)

1 (Proceedings resume at 3:13 p.m.)

2 (Call to order of the Court)

3 (Jury present)

4 (Witness resumes stand)

5 THE COURT: All right. You may be seated.

6 MS. MATTIACCI: May I proceed, Your Honor?

7 THE COURT: Please, yes.

8 BY MS. MATTIACCI:

9 Q So, Dr. Wu, when we broke, we were just talking about
10 that you said that the conversation that you had with Ms.
11 Briggs about retirement, mandatory retirement for women at a
12 certain age, that that was a friendly conversation.

13 A Correct.

14 Q I would like you to turn to P-3, which is -- there
15 should be a white binder in front of you. That's the black.

16 (Participants confer)

17 A What --

18 Q I'm going to put it up on the screen, so we can save
19 some time. Are you able to see that on the screen, Dr. Wu,
20 if I blow it up?

21 A Yes, I can see it.

22 Q Okay. Great.

23 So this is a disciplinary writeup that was issued to Ms.
24 Briggs on -- the date at the top says 11/9/2011. Do you see
25 that?

1 A Correct.

2 Q And does that indicate to you that that is the date in
3 which the incident took place, for which she is being written
4 up?

5 A I don't think so. Usually incidents is a few days
6 before that.

7 Q Okay.

8 A Yeah.

9 Q So it would be before that.

10 A Yeah, before that.

11 Q Is there anywhere on this document that indicates then
12 when the event took place that compelled this disciplinary
13 action?

14 A No.

15 Q Why is it not on the form?

16 A I believe that I discussed the incidents with the Dean's
17 Office, and Dean -- of his -- and together, I reach a
18 conclusion. So they prepare the document. Then we ask Ruth
19 to sign.

20 Q Who in the Dean's Office did you speak with?

21 A I would say Greg.

22 Q Greg Wacker?

23 A Yes.

24 Q Okay. So you discussed this. What did you discuss.
25 Tell me what was said?

1 A I don't know the detail because this is many years ago.
2 There are so many incidents, so -- but each time there's an
3 issue, I discuss it with Greg, and to see any actions are
4 needed.

5 Q So you can't tell us, today, why this disciplinary
6 action was issued to Ms. Briggs --

7 A I --

8 Q -- dated 11/9/2011.

9 A Yeah. I cannot recall it.

10 Q Was there any supporting documentation ever created to
11 support this disciplinary action?

12 A I believe so. We can check all the email records.

13 Q Do you recall reviewing any email about that?

14 A I didn't.

15 Q Okay. But there -- is it normal for an email or other
16 supporting documentation to be created to support a
17 disciplinary action?

18 A We have a verbal conversations with Dean's Office and
19 with two of my associate -- Associate Chairs. They can
20 support all the --

21 Q Is it --

22 A -- the facts.

23 Q Is it common for that verbal conversation to be reduced
24 to writing, so there's some sort of written support for the
25 discipline?

1 A Yeah, we have some written document, but probably not
2 for this incident. There are many other cases.

3 Q Why not for this incident?

4 A I don't -- I cannot recall. But we definitely had
5 conversations, and we can provide the document, if needed.

6 Q You can provide a document to support this writeup?

7 A I -- I can go back to the emails or -- I do not know. I
8 mean, the --

9 Q And --

10 A We have so many incidents like this, so ...

11 Q Okay. Is it true that, during the discovery phase of
12 this case, you were asked to produce any and all emails that
13 would be relevant to the --

14 A Yes. Actually, someone came to my office and got all
15 the emails.

16 Q Okay.

17 A Yeah.

18 Q So, if one existed, it would have been produced,
19 correct?

20 A I do not know that because they did get all the emails
21 related to Ruth.

22 Q Okay.

23 A Yeah.

24 Q So is it true that people really liked working with Ruth
25 in the office?

1 A In what sense? She is a nice person, and like day-to-
2 day conversation. Actually, I saw that we get along well, so
3 that's why I had always had conversation and culture
4 exchange. And whenever I came back from a trip, I give her
5 gifts, and we sometimes exchange gifts. For example, we both
6 like music, so we talk about some classic music. I remember
7 she gave me a book about Jacqueline Du Pre, the cellist. And
8 so, in that sense, it's yes.

9 Q And you were her direct boss, correct?

10 A Correct.

11 Q And she got along well with other people in the office,
12 correct?

13 A Again, it's -- it depend on how -- what you meet by
14 getting along well. Conversation wise is yes, but in terms
15 of have a job done, not.

16 Q Okay. So, prior to this writeup -- let me ask -- the
17 one that we're looking at right now, November 9th, 2011. Is
18 there any prior written writeup of a performance deficiency
19 of Ms. Briggs?

20 A I cannot recall, but we -- we wrote up a couple of
21 times, several times.

22 Q Okay.

23 A And I also make phone call to HR and ask for help.

24 Q Okay. Well, I'm talking about prior to November 9th,
25 2011. Are you aware of any writeups about her performance?

1 A I do not aware.

2 Q Okay. Now who made the decision to terminate Ms.
3 Briggs?

4 A It's one -- it's one of the major incidents, and I
5 report to Dean's Office. So then we -- we discuss. I think
6 HR is also involve. So, eventually, we reach a conclusion.

7 Q Okay. So my question --

8 A But -- yeah.

9 Q -- is I want to know who made the decision to terminate
10 her employment.

11 A I think it's a collective decision, maybe me and HR.
12 But the Dean's Office gave us some guidance because I do not
13 -- I'm not very familiar with the rules.

14 Q Okay.

15 A Yeah.

16 Q So are you one of the people that made the decision?

17 A I would say yes.

18 Q Okay. And was Greg Wacker one of the people that made
19 the decision?

20 A Greg provide some informations. So I don't know the
21 details, whether Greg is involved, probably not. I mean, he
22 gave me the -- some kind of guidance.

23 Q Okay.

24 A Yeah.

25 Q And can you give me the name of anybody else who was --

1 who made the decision to terminate Ms. Briggs?

2 A I would say Drew is fully aware of the incident.

3 Q Who is that?

4 A Drew, Drew DeMino [sic]? I forgot the last name.

5 Q Drew?

6 A Drew, yeah. Drew.

7 Q Okay. Drew DiMeo?

8 A Yeah, DiMeo. Yeah.

9 Q And Mr. DiMeo was several layers -- or levels below Ms.
10 Briggs. Isn't that correct?

11 A Oh, I do not know. The reason is that Drew work with me
12 directly. He also work in the Dean's Office, a financial
13 aspect.

14 Q Right. So he reported to Mr. Wacker, correct?

15 A Correct.

16 Q And he was about in his early thirties, correct?

17 A Correct.

18 Q But he didn't have any supervisory responsibility over
19 Ms. Briggs, correct?

20 A Probably not. But I ask lots of staff member to help me
21 on the Ruth case.

22 Q Okay. Well, my question -- I just want -- I want it to
23 be clear here --

24 A Yeah.

25 Q -- who are the people that made the decision to

1 terminate Ms. Briggs. So you're saying Mr. DiMeo was also
2 one of the people that decided to terminate her?

3 A No, no. The -- Drew is involved because he knows all
4 the details, the incidents.

5 Q Okay.

6 A Yeah, but --

7 Q I don't need to know right now who was involved. I want
8 to know who made the decision.

9 A Oh, decision, I would say me and HR, and with input from
10 the Dean's Office.

11 Q Okay. Who in HR?

12 A I do not remember. There is a couple of people in HR.

13 Q But you don't remember their names?

14 A Yeah. There is the one Sharon we usually deal with.
15 Another one is Deirdre.

16 Q Are you saying Sharon?

17 A Yeah, Sharon.

18 Q Do you know Sharon's last name?

19 A Sharon -- Sharon -- I forgot the last time.

20 Q Okay. Could --

21 A I think she's the Director.

22 Q Okay. Do you mean Sandy?

23 A No, it's not Sandy.

24 Q Not Sandy.

25 A Yeah.

1 Q Okay. And then Deirdre. Is that right? Deirdre?

2 A Yes, I think that's --

3 Q Okay.

4 A That -- that sounds familiar.

5 Q Okay.

6 A Because this is a while ago. I don't remember exactly
7 the name.

8 Q Okay. Prior to your testimony today, you did have a
9 meeting with counsel for Temple, correct?

10 A Correct.

11 Q And did you meet, or at least speak several times before
12 testifying today?

13 A I think once or twice, but not many.

14 Q Okay. Have you told me all of the people that made the
15 decision to terminate Ms. Briggs?

16 A Yeah, I think so.

17 Q Now I want to ask you why Ms. Briggs was terminated.
18 Can you give me the reasons why she was terminated?

19 A It's just not one thing or incident because there are so
20 many over the five years. And it's just she did not do the
21 job was asked to. I don't remember exactly the -- the
22 termination detail. It should be in the record. It's just
23 like I think one, the reimbursement. And she claim that the
24 documents is not in the system, but somehow, we find out it's
25 in the system or something. I don't remember detail.

1 Q Okay. So one of the reasons that she was terminated was
2 because of a travel reimbursement issue.

3 A Yeah.

4 Q Can you recall any other reasons why Ms. Briggs was
5 terminated?

6 A Oh, there are so many things. Just to give you example,
7 like one -- we have one -- we interview lots of faculty
8 candidates. So one of the important candidates, senior
9 candidates, is supposed to for -- arrive today, but Ruth
10 forgot to purchase the ticket. And when the person went to
11 the airport, they notice that the ticket is not available.
12 So this kind of things. And sometimes like making
13 reservations and forgot, and was made the wrong date and --

14 Q Okay.

15 A Yeah. Those kinds of incidents, there is many.

16 Q How many times did she book the wrong date or --

17 A I would say that, on the average, once or twice a week.

18 Q Once or twice a week --

19 A Yeah.

20 Q -- she booked the wrong date?

21 A No, not the wrong date. All kinds of mistakes. We have
22 one week, we spend one week, and to document all things.
23 It's like more than ten times.

24 Q Well --

25 A It's just so many small things just add together.

1 Q And you documented these small things?

2 A Yeah, yeah. We have one document -- one -- one
3 particular week, we documented.

4 Q Oh, so one particular week --

5 A Yeah.

6 Q -- you documented what she did wrong.

7 A Yeah, with two Associate Professor.

8 Q Okay.

9 A I mean Associate Chairs, we -- we document together.

10 Q What week did you do this?

11 A Oh, I don't remember.

12 Q What did you do with the document?

13 A The document, just want to see what kind of mistake Ruth
14 made. We just want to document.

15 Q Why did you only do it for a week?

16 A Because we don't have time to do that. See, I'm
17 supervise over 50 faculty member and staff, so -- but that
18 week, we really spent lots of time, and to document.

19 Q And did you -- how long before her termination was this
20 document created?

21 A Oh, this is a while ago, maybe like three years or four
22 years before the termination.

23 Q Okay.

24 A So she has kind of travel stuff on beginning, and we
25 always try to help. And you know, I have a weekly meeting

1 with two Associate Chairs, usually one -- one hour. But
2 usually, we spend about 15 minutes to talk about Ruth's
3 issues.

4 Q Okay. So three years ago -- or three years prior to her
5 termination, you're saying there was a week in which you
6 documented performance issues.

7 A Yes.

8 Q But you never did that again for a week or a period of
9 time --

10 A Because too --

11 Q -- after that?

12 A Because it's too time consuming. I have, again, 50
13 staff and faculty --

14 Q I --

15 A -- over 500 students.

16 Q Dr. Wu, I'm -- just because there's somebody that's
17 recording what we're saying, we got to take turns, back and
18 forth. So just --

19 A Okay.

20 Q I'll wait until your finished answering your question,
21 and then I'll ask my next one, but -- and let's just go step
22 by step.

23 So, other than this one week three years prior to her
24 termination, in which you say that you made some
25 documentation of errors, did you, after that, ever do any --

1 a week or a period of time with documentation of supposed
2 errors?

3 A Not a whole week. But for the major incidents, I keep a
4 record of all the emails exchanges and --

5 Q Okay.

6 A Yeah.

7 Q So I'm going to go through the only records that we
8 have, in terms of documented performance issues.

9 A Uh-huh.

10 Q And then, you know, you -- let's just go through those

11 A Okay.

12 Q We have this November 9th, 2011 one --

13 A Yeah.

14 Q -- in which you said that you can't recall or have any
15 idea why she got this, correct?

16 A No, there must be some major incident, but I don't
17 recall the exact.

18 Q It must be pretty major, right?

19 A Yes, major.

20 Q Because she was written up.

21 A No, it's a major one.

22 Q Okay.

23 A Because usually, I give warnings, many times, before we
24 do that document.

25 Q Okay.

1 A I --

2 Q Because it's a serious thing to give somebody a written
3 documentation that's going to go in their file, correct?

4 A Yes. Yes.

5 Q And that could potentially harm their ability to get a
6 job outside of your department.

7 A Correct. So that's why I don't give many. There are
8 many staff member in the Department. I think she's the only
9 one, maybe there is one exception. Yeah.

10 Q Okay. So it's very rare.

11 A Uh-huh.

12 Q Now let's go to -- there was -- the next documented
13 performance issue that we have is not until two thousand and
14 -- let's see.

15 (Participants confer)

16 Q It's not until March 26th of 2013.

17 A Yes.

18 MS. MATTIACCI: And I'm showing, Your Honor, P-16.

19 Q So the one we had just looked at --

20 A Uh-huh.

21 Q -- was from November of 2011.

22 A Uh-huh.

23 Q And the next documented performance issue we have is
24 March of 2013.

25 A Correct.

1 Q Okay. And what did she do to deserve this disciplinary
2 writeup?

3 A If I remember correctly, this is the case where she
4 forgot to purchase the ticket for -- for the visitor, for the
5 candidate.

6 Q Right.

7 A Yeah.

8 Q And isn't it true that she owned up to that mistake, and
9 she came to you and said, I'm really sorry, I made a mistake.

10 A Correct.

11 Q And she apologized and said it would never happen again,
12 correct?

13 A I think so.

14 Q And she had never failed to book a plane ticket prior to
15 this March 2013 writeup, correct?

16 A Correct. But she made many other mistakes, similar
17 mistakes.

18 Q Okay. But there's no documentation of any other
19 mistakes, where she had received a writeup, before -- in
20 between November of 2011 and this --

21 A Yeah. The reason is we --

22 Q -- plane ticket.

23 A -- we don't do document. We know that, after a certain
24 number of documentation, she may be fired. We tried to save
25 her.

1 Q You tried to save her.

2 A Yeah. Oh, yeah.

3 Q Okay.

4 A So that's why we spent every 15 minutes, try different
5 solution to help her.

6 Q Well, in this writeup, where she admitted to making a
7 mistake, she was given the penalty of three days of
8 suspension without pay --

9 A Uh-huh.

10 Q -- correct?

11 A Yes.

12 Q Over a mistake. Is that right?

13 A Yes. But it's a very serious mistake. It's a very
14 important faculty -- senior faculty candidate. The whole
15 department is waiting for the visit.

16 Q Isn't it true that other people in the Department were
17 made aware that the ticket was not booked two days before the
18 professor was supposed to arrive, correct?

19 A Well, I don't remember the detail. It's just when the
20 professor tried to go to the airport, and find out the ticket
21 is not there, we were shock and --

22 Q But that's not what happened, was it, Dr. Wu? He didn't
23 go to the airport and find out the ticket wasn't there.

24 A But she has -- she emailed -- he emailed me, or maybe
25 just before he ready to go to airport, they find out there's

1 -- the ticket is not there.

2 Q Isn't it true that he was scheduled to come in on
3 Monday, and he didn't -- he emailed about not having the
4 ticket on Saturday, correct?

5 A I don't know the detail. I'm pretty sure it's the --
6 when just before he's ready to go to airport, he find out the
7 ticket is not there. But you know, when we interview people,
8 the person should arrive the day before.

9 Q Okay.

10 A For -- suppose Monday is the one. We schedule Sundays
11 is usually the dinner with the faculty, so ...

12 Q So have you ever issued anyone three days of unpaid
13 suspension?

14 A No.

15 Q And so, for those three days, she wasn't allowed to come
16 into the office, correct?

17 A Well, I don't know the rules. She's just not paid. I
18 think she still work, but not pay. I do not know -- remember
19 the --

20 Q So you think she came in, had to work, and not get paid
21 for three days?

22 A No, no. I don't -- again, I don't remember the -- these
23 three day, probably, she say home, on vacation or something.

24 Q So she stays home for the three days, she doesn't get
25 paid. And meanwhile, the work that she has at the office is

1 piling up, right?

2 A Yeah, but we -- the other staff will cover her work.

3 Q Now, at this point in time, you were not terminating
4 her, correct?

5 A No, not terminating her.

6 Q And then the next disciplinary writeup is not until nine
7 months later.

8 A Uh-huh.

9 Q This is January of 2014.

10 A Okay.

11 Q Do you see that?

12 A Yeah. Yes.

13 Q And what was that disciplinary writeup for?

14 A I -- I don't remember. It's the -- again, we can look
15 at the record.

16 Q Do you recall if there's any supporting documentation
17 for this?

18 A I would say so because we -- we would not write those
19 kind of things without support.

20 Q Does it trigger your memory that she was written up
21 because she overslept in the morning, and was late coming
22 into work?

23 A That happened regularly, almost every week.

24 Q Every week, she was late?

25 A Yeah.

1 Q Is there documentation of her being late, every week?

2 A Oh, you can ask any staff member, faculty member in the
3 Department.

4 Q Well, okay. Maybe we will have --

5 A Yeah.

6 Q -- they're bring others in to testify as to that.

7 A Sure. Yeah.

8 Q But I'm going to ask --

9 A That really help, yeah.

10 Q Dr. Wu, I'm asking you if there is documentation that
11 Ms. Briggs was late every week.

12 A Yeah, almost every week.

13 Q Where is the documentation of that?

14 A There is no documentation.

15 Q No documentation.

16 A Well, all faculty member, staff member knows this.

17 Q There -- but there's no documentation.

18 A There is no documentation.

19 Q And the violation that she was cited for was B-10. Do
20 you see that?

21 A Yes.

22 Q Okay. If you go to -- let's -- we're going to take a
23 look at the work rules.

24 Let me ask you this, as we're working for the work
25 rules.

1 A Uh-huh.

2 Q 65.

3 Do you know who Hailey King is?

4 A Yes.

5 Q And Hailey King worked in your department?

6 A Yes.

7 Q Hailey King was hired, just in 2013. Isn't that
8 correct?

9 A Correct.

10 Q In the Fall of 2013.

11 A Correct.

12 Q And she went missing for three days, meaning she didn't
13 show up for work --

14 A Uh-huh.

15 Q -- didn't call in --

16 A Uh-huh.

17 Q -- didn't tell anybody where she was. Isn't that
18 correct?

19 A It's a different situation. That's during the hurricane
20 --

21 Q Dr. Wu.

22 A -- so --

23 Q Dr. Wu, with all due respect, I'm just going to try to
24 ask a question. Answer the question, and then we'll go to
25 the next question. Okay?

1 A Yes.

2 Q So my question was: Isn't it true that Ms. King did not
3 show up for three days, and never called in, and never told
4 anybody where she was, and then showed back up on the fourth
5 day?

6 A Yeah, it's correct.

7 Q Okay.

8 A But it's during the hurricane, there's no electricity.

9 Q And --

10 A So she gave me this explanation.

11 Q In the Fall of 2013, what hurricane hit the east coast?

12 A I don't recall the name. You can look at the record,
13 there is a hurricane.

14 Q Okay.

15 A And whole of Philadelphia, many places lost power. So I
16 gave her the benefit of doubt. But I still criticize her and
17 to tell her seriously, and should not do this in the future.

18 Q You did not issue her a written warning, correct?

19 A Yeah, because this is a first offense.

20 Q Okay. My question was: You did not issue her a written
21 warning.

22 A No.

23 Q And there was no three-day suspension.

24 A No.

25 Q And this hurricane, did it also affect Temple

1 University?

2 A I think so, probably like a one day or --

3 Q You think?

4 A But she disappear for more than one day, like three
5 days.

6 Q Three days --

7 A Yeah.

8 Q -- right?

9 A Yes.

10 Q And you can't recall the name of the hurricane?

11 A I could not recall. But we can all look at Google and
12 to find out.

13 Q We could all look.

14 A Yeah.

15 Q And you know, if you think of the name of the hurricane,
16 you can -- or you know, after you look at it, you can let us
17 know.

18 A Yeah.

19 Q What -- Ms. King, she's much younger than Ms. Briggs,
20 correct?

21 A Correct.

22 But I want to add, there is several staff member much
23 older than Ruth in the Department.

24 Q Dr. Wu --

25 MS. MATTIACCI: I move to strike the witness'

1 answer as non-responsive. There was not even a question
2 pending.

3 THE COURT: All right. That's struck. And let's
4 pick up the pace.

5 MS. MATTIACCI: Okay. And then -- sorry, Your
6 Honor. I was going to the disciplinary policy, which is P-
7 65, and I'm going to put it up on the screen.

8 BY MS. MATTIACCI:

9 Q Now you understand that the disciplinary policy at
10 Temple has four categories, correct?

11 A Correct.

12 Q A is the least serious category of violation.

13 A Uh-huh.

14 Q B is the next level of seriousness.

15 A Uh-huh.

16 Q C is the higher level seriousness, and then there's D.

17 A Uh-huh.

18 Q That is the most serious, correct?

19 A Uh-huh.

20 Q Okay. And in terms of this policy here, B-1 says,
21 "Unauthorized Absence." B-2 is chronic sick day abuse. B-3
22 is chronic lateness. Do you see that?

23 A Yes.

24 Q I -- are you aware of any documentation disciplinary
25 action against Ms. Briggs for violating B-3 of chronic

1 lateness?

2 A We have a verbal warning.

3 Q Okay. But my question was: Do you have any -- well, do
4 you have any documentation of the verbal warning?

5 A No.

6 Q And there's no documentation that -- of an official
7 written warning to her for violating B-3, correct?

8 A Correct.

9 Q And when she -- when Ms. Briggs overslept that morning,
10 she was cited for a violation of B-10, which says:

11 "Inefficiency, failing to meet expected standards
12 of performance, productivity, or efficiency."

13 Do you see that?

14 A Yeah, I saw it.

15 Q And you're aware that, that day, she stayed at work
16 until nine o'clock at night, to make sure all the work was
17 done, correct?

18 A She did that several times. But I ask her not to do
19 that, just work during the regular office hour.

20 Q She often stayed after hours to try to get all of her
21 work done, correct?

22 A I'm not -- she stayed late, but it doesn't mean that she
23 had work done.

24 Q She -- you -- she stayed late, but you're not sure that
25 she --

1 A Yeah.

2 Q -- she got work done?

3 A Yeah. But we never ask her to do work -- work in the
4 late, yeah.

5 Q Okay. But you agree with me she stayed late often,
6 correct?

7 A Correct. But still, work not done.

8 Q And you agree with me that there were times in which
9 Temple was closed, due to snow, and Ms. Briggs would still
10 come into work, to do work during the snow days.

11 A That could happen, yeah.

12 Q You recall it happening --

13 A Yeah.

14 Q -- correct?

15 A Yeah.

16 Q Isn't it true, mister -- Dr. Wu, that you would lose
17 your temper with students in your department and scream at
18 them?

19 A No, we have technical discussions. So it, sometime, can
20 be spirited discussion, but doesn't mean it's a yell because
21 I'm very serious, like a technical correctness.

22 Q So you're saying that you never yelled in the office?

23 A I would not say we never yell, but we have a heated
24 debate.

25 Q You have a heated debate.

1 A Yeah.

2 Q And would you conduct those debates in Chinese?

3 A Yeah, sometimes, because they are Chinese. Their --

4 their English is not that perfect.

5 Q Now you say that you were trying to help Ms. Briggs.

6 Did you ever reach out to anybody to try to get her another

7 job at Temple?

8 A Oh, yes. For the five years, I make a phone call to

9 everywhere, HR, and even encourage Ruth to see if -- if there

10 are suitable job. I just feel that she's not good -- she's a

11 good person, that's why we get along well, but she's not good

12 in doing this executive like -- Executive Assistant job.

13 Q You --

14 A There is a deadline that she's not good at.

15 Q You know that she was doing the Executive Assistant job

16 for years, before she started working for you, correct?

17 A Correct.

18 Q And she got good performance reviews in the years before

19 working for you, correct?

20 A I'm not sure of that.

21 Q Her first --

22 A You can -- you can check Temple record.

23 Q Her --

24 A I thought the opposite.

25 Q Okay. Her first performance deficiency notice that she

1 received was only after working for you, correct?

2 A Can you repeat the question?

3 Q The first deficiency notice that she received during
4 working at Temple was after she started working for you,
5 correct?

6 A I do not know that.

7 Q Did you ever -- my question, though, was: Did you ever
8 reach out to anybody, not HR, but to your connections amongst
9 the University, to try to get Ruth a job there that she could
10 do?

11 MR. HARRIS: Objection. Asked and answered.

12 THE COURT: I thought he already answered that,
13 that he had.

14 THE WITNESS: Yeah.

15 BY MS. MATTIACCI:

16 Q Okay. So you had.

17 A Yeah.

18 Q Who did you reach out?

19 A Oh, faculty member and our two Associate Chairs. That's
20 what main topic of our meetings, how to help Ruth. And
21 sometimes, she is just keep on talking to the persons, it's -
22 - it's very loud. And then she says that someone disturbing
23 her work. So we, eventually, assign her to another office,
24 separate office, so she can concentrate on work. So we -- we
25 tried all kinds of things for Ruth.

1 Q My question, though, was very specific. I want to know
2 if you picked up the phone and spoke to somebody outside your
3 department, and said, I have a good employee here, I'd like
4 to get her a job.

5 MR. HARRIS: Objection.

6 Q Did you ever do that?

7 MR. HARRIS: Objection, Your Honor, for the third
8 time.

9 THE COURT: Overruled.

10 BY MS. MATTIACCI:

11 Q You can answer.

12 A Yeah. It's kind of awkward for me to -- to call someone
13 and say that I going to recommend my personal assistant.

14 Q So you didn't.

15 A My -- yeah, I did not do it. But I ask HR to see, or
16 Dean's Office to see if there is suitable job for her.

17 Q Okay.

18 A Yeah. And I know they -- they tried, as well.

19 Q You know that they tried to find a job for her.

20 A Yeah, HR did.

21 Q Did you ever write a letter of recommendation for her?

22 A I don't recall that. If Ruth asked me, I would write.

23 Q And there -- well, you -- shortly after this writeup
24 that she gets for oversleeping --

25 A Yeah.

1 Q -- within three months after that, she's terminated,
2 correct?

3 A Yes.

4 Q And you knew that she was going to be terminated,
5 correct?

6 A No.

7 Q You didn't know she was going to be terminated?

8 A No, I do not know.

9 THE COURT: When? When?

10 THE WITNESS: No, I do not know what particular
11 date where it's a termination. It's just some incidents
12 happened, then we recall, then you reach a point --

13 MS. MATTIACCI: Okay.

14 THE WITNESS: -- and it's a --

15 BY MS. MATTIACCI:

16 Q So when --

17 MR. HARRIS: Excuse me, Your Honor. May the
18 witness be permitted to finish his answer?

19 MS. MATTIACCI: Sorry. I thought he was done.

20 THE COURT: He may. Finish.

21 THE WITNESS: Yeah.

22 BY MS. MATTIACCI:

23 Q So, at the time in which the termination speaks of --
24 well, let's look at the termination letter. The termination
25 letter speaks of Ms. Briggs booking a room at the Double Tree

1 in Center City, instead of the hotel on Temple's campus. Do
2 you recall that?

3 A Oh, I don't recall that.

4 Q You don't recall that?

5 A You said in the -- in the hotel?

6 Q Yes.

7 A No, I don't recall.

8 Q You don't recall that.

9 Do you recall what then caused the termination to
10 happen?

11 A Oh, you mean the reimbursement.

12 Q Okay. There was --

13 A Yeah.

14 Q Yes.

15 A Yeah, there was a reimbursement issue.

16 Q Okay.

17 A Yeah.

18 Q So the hotel issue, that did not play a role in her --
19 in the decision to terminate her.

20 A No, no. I think yes because she somehow made -- made up
21 some story, and said the document was not there, or whatever
22 information is not there. But in reality, it -- it's there.

23 Q Okay.

24 A Yeah.

25 Q So, as of the time in which -- the termination letter

1 was drafted on April 1st, 2014.

2 A Yeah.

3 Q You knew of the expense report and the hotel booking
4 prior to April 1st, correct?

5 A Yes.

6 Q So, at the time -- which happened first?

7 A So what's your question?

8 Q Which happened first, the hotel room or the expense
9 report?

10 A I think the whole thing relates to expense report.

11 Q What's that?

12 A Expense report.

13 Q Happened first.

14 A No, no. The whole things are triggered by expense
15 report.

16 Q The whole --

17 A So she --

18 Q Go ahead.

19 A She just made up something, and it -- in fact, it's kind
20 of small thing, but she made up some story, and -- and then
21 the -- got caught.

22 Q The expense report, she said that she didn't have
23 access.

24 A Yes (indiscernible)

25 Q And when she tried to put in the grant number, it

1 wouldn't let her process the expense report, correct?

2 A Yes. Yeah, I think that's the one. But in reality, the
3 information is there.

4 Q Okay.

5 A Yeah.

6 Q And there -- you obtained proof?

7 A It's not me. I think Drew find out.

8 Q Drew found out?

9 A Yeah.

10 Q Okay. And Drew got proof --

11 A Yeah.

12 Q -- that the --

13 A Oh, yeah. Yes. And drew send out the -- the document,
14 and then the --

15 Q Okay. So there's documented proof --

16 A Yeah.

17 Q -- that Ms. Briggs had access to this expense account --

18 A Yes.

19 Q -- at that time.

20 A Yeah, yeah.

21 Q Have you seen this proof?

22 A I saw -- I remember I saw this when Drew sent it out.

23 And then Ruth admit and --

24 Q I mean, you are the Chair of the Computer and

25 Information Sciences Department --

1 A Yes.

2 Q -- at Temple University.

3 A Correct.

4 Q So, if there was proof that she had access to this
5 account --

6 A Yeah.

7 Q -- you could have just shown here, he's the proof that
8 you had access to this account. But that did not happen,
9 correct?

10 A No, because I'm not very familiar with the -- the
11 financial system. So Drew is expert, right.

12 Q Okay.

13 A Right. Like it's --

14 Q So the answer --

15 A -- just to --

16 Q -- is no to my

17 A -- accounting information. Drew is expert in accessing
18 those information.

19 Q Okay. So the answer to my question is no.

20 A Yeah. I don't have direct information.

21 Q Okay. So, when that expense account issue happened, did
22 you want to terminate Ms. Briggs?

23 A No. We -- I don't remember exactly the procedures. We
24 -- we talked to the Dean's Office, so include Drew and Greg.
25 And then we also involve HR. Then we reach a collective

1 decision to -- the bar has reached.

2 Q I -- my question was: When the expense report issue
3 happened, did you want to terminate Ms. Briggs?

4 A I -- yes. When this one day -- they told me that this
5 is like a serious offense, right? It's a collective
6 decision. Then we just reach a decision.

7 Q So is a serious --

8 A It's not premeditated, like I want to terminate Ruth a
9 particular day, no.

10 Q But you said that this issue with her putting the
11 expense into the grant number was such a serious issue, she
12 had to be terminated.

13 A No. She has so many serious issue. This is not just
14 one. I would say like hundreds of issue.

15 Q Hundreds.

16 A Yeah, I would say hundred. Small thing, just accumulate
17 every week.

18 Q Okay. Is there any documentation --

19 A No, we --

20 Q -- of these --

21 A As I say --

22 Q And wait. Can I just -- let me just finish, Dr. Wu --

23 A Yeah.

24 Q -- and then I'll let you go. Is there any documentation
25 of these hundreds of issues that you're now saying that led

1 to the termination of Ms. Briggs?

2 A No. I mean, hundreds of small things accumulates, and
3 there are some larger things. But as I say, I responsible
4 for so many staff and faculty and student, I cannot spend my
5 time, all the times, on Ruth.

6 Q Okay. I -- that's -- my question is: Is there any
7 documentation of what you're saying are these hundreds of
8 things that Ruth was deficient in, that led to her
9 termination?

10 A No, there are no document. Again, you can talk to some
11 staff member and faculty member.

12 Q Okay.

13 A They will recall how much time we spend on Ruth, every
14 week.

15 Q Are you responsible for bringing -- are part of your job
16 duties bringing in grant money to the university?

17 A What's the question?

18 Q Do you bring grant money into the University?

19 A Correct. Correct.

20 Q Do you?

21 A Yes.

22 Q Okay. Approximately, what is the value of the grant
23 money that you bring to the University?

24 A Several million.

25 Q Several million.

1 A Yes.

2 Q Okay. Is it more than ten?

3 A I would say -- I would say maybe like in the range of 5
4 million.

5 Q All right.

6 A Over the past seven or eight years.

7 Q Did Ms. Walker [sic] in HR relay to you that Ms. Briggs
8 was complaining of a hostile work environment involving you?

9 A No.

10 Q Did Ms. Walker relay to you that Ms. Briggs was
11 complaining of retaliation by you?

12 A No.

13 Q So you're unaware of that.

14 A I'm unaware. That's why I'm kind of surprised when I
15 see this document this year. I thought that Ruth and I in
16 good term. I'm the one really try to help her, to protect
17 her.

18 Q Did Ms. Walker ever relay to you that Ms. Briggs was
19 bringing claims of sex and age discrimination pertaining to
20 you?

21 A No.

22 MR. HARRIS: Your Honor, I think she's referring to
23 Ms. Walton.

24 MS. MATTIACCI: I mean Walton. Was I saying
25 "Walker"?

1 MR. HARRIS: Yes.

2 THE WITNESS: Walker, yeah.

3 MS. MATTIACCI: Thank you. I'm sorry. Let me
4 correct that. Walton.

5 BY MS. MATTIACCI:

6 Q So I think you knew who I was talking about. Let me go
7 back.

8 Deirdre Walton in HR, did she ever relay to you that Ms.
9 Briggs was complaining of a hostile work environment
10 concerning you?

11 A I don't recall. I only have -- I remember this one
12 case, she talked to me, but I don't remember it's related to
13 Ruth or other thing, but not something serious. She just
14 wanted to check with me on something.

15 Q She wanted to check with you on something.

16 A Yeah, maybe related to Ruth about -- but I don't recall
17 if Ruth's name is mentioned.

18 Q Okay.

19 A Just general, like environment, a friendly environment
20 or some -- hostile environment or whatever, but --

21 Q Is this --

22 A -- I don't --

23 Q -- prior to Ruth's termination or after?

24 A I don't remember, to be honest. Maybe after or before,
25 it's -- but during that period, '13 or '15.

1 Q Okay. Did Ms. Walton, Deirdre Walton, ever relay to
2 you that Ms. Briggs was complaining of sex and age
3 discrimination?

4 A No. Because I would take this very seriously.

5 Q Did Ms. Walton ever relay to you that Ms. Briggs was
6 complaining of retaliation by you?

7 A No.

8 Q How about Mr. Greg Wacker --

9 A No.

10 Q -- did he -- let me just finish, for the record.

11 Did he ever relay to you that Ms. Briggs was complaining
12 about hostile work environment, retaliation, and age and sex
13 discrimination?

14 A No.

15 Q So, when you -- at some point after she was terminated,
16 you were advised of this, correct?

17 A No. Only this year.

18 Q Just until this year?

19 A Yeah, this year. That's why I was in shock, like how
20 can Ruth say this against me.

21 Q Wow, okay.

22 A Or this year, last year, so it's -- that's --

23 THE COURT: Are we finished with this? Are we
24 finished?

25 MS. MATTIACCI: I just want to -- one moment, Your

1 Honor.

2 THE COURT: Yeah, let's --

3 MS. MATTIACCI: That's all I have, Your Honor.

4 THE COURT: Thank you.

5 MR. HARRIS: May I, Your Honor?

6 THE COURT: Yes.

7 CROSS-EXAMINATION

8 BY MR. HARRIS:

9 Q Dr. Wu, you testified previously that you would
10 recommend Ms. Briggs to another department. Do you recall
11 testifying to that?

12 A Yes, but I don't know the detail, which department.

13 Q Well, when you -- you testified that you would give her
14 a recommendation if she asked you.

15 A Yes, yes.

16 Q Do you recall testifying to that?

17 A Yes, yes.

18 Q Why would you possibly give her a recommendation if her
19 performance was so deficient?

20 A No, because I truly think that Ruth is a nice person.
21 She can do some job, like organizing event, she's very good
22 at that.

23 Q When you say "organizing event" --

24 A Yeah, organizing for a party or some big events to --
25 yeah, just events.

1 Q Did she do that for the Department?

2 A Yeah, she did that. For example, future competing --
3 competitions, and we have some kind of department dinner
4 events, she's very good at that.

5 Q Okay. So, if it were an event planning position, you
6 would recommend her.

7 A Yes.

8 Q You testified that you had recorded or memorialized Ruth
9 Briggs' performance deficiency as early or before 2011. Do
10 you remember testifying to that?

11 A Yes, I would.

12 MR. HARRIS: Okay. May the witness be shown -- and
13 may I approach, Your Honor?

14 THE COURT: All right.

15 MS. MATTIACCI: What is the document?

16 MR. HARRIS: D-72.

17 MS. MATTIACCI: Okay.

18 BY MR. HARRIS:

19 Q Showing you what's been marked as D-72. Dr. Wu, after
20 you finish looking at that document, please let me know, and
21 I'll ask you a few questions.

22 A (Witness reviews exhibit)

23 Q And it's also on the screen, Dr. Wu.

24 A Yeah.

25 Q Do you recognize that --

1 A Yes.

2 Q -- document?

3 A Yes.

4 Q Did you prepare that email to the Human Resources
5 Department?

6 A Yes. I mean, again, together with -- I think with two
7 Associate Chairs.

8 MR. HARRIS: Your Honor, may I -- I'd like to admit
9 D-72 into evidence. And may that be published to the jury?

10 THE COURT: Any objection?

11 MS. MATTIACCI: No objection, Your Honor.

12 THE COURT: It's admitted.

13 (D-72 received in evidence)

14 BY MR. HARRIS:

15 Q Dr. Wu, did you create this email to Mr. Jenkins
16 (phonetic)?

17 A Correct, yes.

18 Q And was that on November 17th, 2010?

19 A Yes.

20 Q And now turn to the second page, please. Is this email
21 -- strike that.

22 Is this document the email that you sent to Human
23 Resources?

24 A Yes.

25 Q Is this the example that you were talking about when you

1 testified regarding the one week in which you monitored Ms.
2 Briggs' performance?

3 A Yes, that's the one.

4 Q Is this the document you were referring to?

5 A Yeah, that's the document.

6 Q Okay. The third paragraph says:

7 "For the last two years, we have been frustrated
8 working with Ruth."

9 Does it say that?

10 A Yes.

11 Q And so you're talking about the two years preceding you
12 creating this email?

13 A Yes.

14 Q So she began working with you in what year?

15 A 2009.

16 Q Okay. So are you referring to --

17 A Including this year, including 2010.

18 Q Okay.

19 A Yeah.

20 Q So 2009 and 2010.

21 A And 2010, yeah.

22 Q Is that a yes?

23 A Yes.

24 Q All right. The fourth paragraph says, "Ruth is a well,
25 meaning person." Did I read that accurately?

1 A Yes.

2 Q And then what else did you say? What's the next
3 sentence you provide?

4 A Oh, which paragraph? I --

5 Q The fourth paragraph.

6 A Again, my vision has some problem.

7 THE COURT: You read it.

8 THE WITNESS: Yeah.

9 MR. HARRIS: If I may?

10 THE COURT: Yes.

11 THE WITNESS: Yeah.

12 BY MR. HARRIS:

13 Q All right. "She has a strong sense of doing jobs well."
14 Would you -- is that accurate?

15 A Correct.

16 Q Did I read that correctly?

17 A Yes, that's why she's a good person.

18 Q It says:

19 "However, she has insisted on interpreting
20 instructions her own way, without asking for
21 clarification before execution."

22 Did I read that accurately?

23 A Uh-huh.

24 Q You have to say yes or no.

25 A Yes.

1 Q Okay. Now were there issues regrading her interpreting
2 what she was supposed to, as opposed to what you asked her to
3 do?

4 A Yes.

5 Q And did you provide her feedback?

6 A We -- we always had a meeting with Ruth, and tell Ruth
7 how to correct. So we have a weekly meeting -- actually,
8 every day meeting with Ruth, through the later stage.

9 Q Okay. The next sentence says:

10 "She also has her own sense of priority, rather
11 than what we specify."

12 What did you mean by that?

13 A So she does not know what's the priority. Sometimes,
14 she just thinks certain things -- more things are important
15 priority.

16 Q Okay. The next sentence is you go on to talk about the
17 different people that have been frustrated. You identify
18 yourself.

19 A Uh-huh.

20 Q The ISC -- IST Director.

21 A Yes.

22 Q And then other faculty members.

23 A Correct.

24 Q All right. And then the next paragraph:

25 "Here are some examples during the last week of our

1 Ruth problems."

2 You say "Ruth problems." What do you mean by "Ruth
3 problems"?

4 A No, Ruth's problems just make it simple, just said we --
5 we spent time, two Associate Chair and me, document all the
6 things Ruth -- that particular week, the incidents. So this
7 is just one single week.

8 Q Is this the week that you were referring to?

9 A Yes.

10 Q All right. So there's -- I believe that there are five
11 incidents listed, correct?

12 A Yes.

13 Q All right. And for -- those are the five incidents in
14 one particular week.

15 A Yeah, one particular week.

16 Q All right.

17 A And both our two Associate Chair aware of that.

18 Q And who are the Associate Chairs at the time --

19 A One is --

20 Q -- (indiscernible)

21 A One is Gene Kwatny; another one is Justin Shi.

22 Q I apologize. Dr. Wu, it was the sixth incident on the
23 third page. Do you see that?

24 A The third page, yes.

25 Q Do you see that incident, as well?

1 A Which incident?

2 Q F.

3 THE COURT: F.

4 A F, yeah. I've asked Ruth to help proofread our new
5 department brochure. Last week before leaving for trip, I
6 requested Ruth to give this with her highest priority and for
7 two days, not to work on anything else. Only a small portion
8 of the work is completed and still is mum mistakes.

9 Q Is there a following paragraph -- and am I reading this
10 accurately?

11 "There are many similar incidents that demonstrate
12 her inability to follow instructions and work with
13 efficiency and accuracy."

14 A Correct.

15 Q That's the information you provided HR?

16 A Yes.

17 Q I'll go to the last sentence in that paragraph:

18 "I am very concerned about the long-term impact of
19 this situation."

20 Is that what you said?

21 A Yeah, because I was hired by the university to reshape
22 the department, the grow the department. So, but Ruth is not
23 helping us.

24 Q The next paragraph says:

25 "I'm asking for your assistance in finding her

1 replacement for her position."

2 Did you say that?

3 A Yes.

4 Q And that was back in 2010?

5 A Yes.

6 Q Did you receive assistance from the HR Department in
7 terms of finding a replacement?

8 A Not in a direct way, but I think that behind the doors,
9 they tried.

10 Q When you say "behind the doors, they tried"?

11 A No, I mean tried that -- I contacted them later. They
12 said they're also looking for that, but somehow know other
13 department wanted Ruth or something.

14 Q So, the document that you provided, this was in 2010?

15 A Yes.

16 Q Did you go over these incidents specifically with Ms.
17 Briggs that were identified in this email?

18 A I don't recall exactly -- should be -- but I don't
19 recall the exact format.

20 Q Okay. When you said "the exact format"?

21 A Yeah, is that like a conversation or -- so I don't
22 remember exactly.

23 Q What was your custom with Ms. Briggs?

24 A Usually, I talked to her every day.

25 Q Dr. Wu, you heard testimony or counsel asked you a

1 question specifically regarding a conversation that you had
2 with Ms. Briggs regarding the retirement age and women in
3 China retiring, as well as men in China retiring.

4 A Yeah.

5 Q Can you provide the jury the context of that
6 conversation.

7 A Now, as I said, I thought I had a good relation with
8 Ruth. We always had some friendly conversation, so that's
9 probably one of the conversations -- it's just one small
10 subject -- so, we mentioned about the age, the cultural
11 difference, it's just like to see the difference in Asia, in
12 the U.S. So, the people in Asia retire early, not just for
13 men -- for women, but also for men.

14 Q Is it also custom for the individuals that retire to go
15 back into the workforce?

16 A Yes. Actually, many people do.

17 Q Counsel asked you a question regarding the incident
18 report of November the 9th, 2011. Do you recall testimony
19 regarding that incident report?

20 A Yes.

21 Q Now, is it -- did you typically or did you typically
22 travel during the school year or during the semester?

23 A No, I travel for -- by the way, I travel all over the
24 world; I've been to all the countries in Europe, for example
25 -- and then I traveled to China in summer, but I don't travel

1 during the regular semester, like in November.

2 Q So, November would have been during the semester?

3 A Yeah, during the semester.

4 Q So, it would have been unlikely for you to have a
5 conversation with Ms. Briggs during the fall semester in
6 which counsel asked you that question?

7 A No, if it were right after my trip, it should be in
8 December.

9 Q Do you recall whether or not Ms. Briggs was written up
10 for walking out of a meeting?

11 A Walking out of what?

12 Q Walking out of a meeting that she had with you?

13 A Yes, sometimes she lost temper or upset or something.

14 Q When you say she would lost temper or upset --

15 A Got upset, so sometimes she's frustrated.

16 Q And what would she do?

17 A Sometimes she would walk out and she -- but I don't
18 recall the particular date or the particular incident.

19 Q Understood. On the instances in which she would walk
20 out or got frustrated, did you contact the dean's office?

21 A Yeah, I always contacted the dean's office about those
22 kinds of incidents and to ask a suggestion what to do. I
23 would never make my own personal decision. And, also, I
24 always check with my two associate chairs.

25 Q And who were your associate chairs again?

1 A One is Dr. Gene Kwatny, another is Dr. Justin Shi.

2 Q Do you recall the incident in which Ms. Briggs received
3 a three-day suspension I believe it was for her coming to
4 work late? Do you recall that?

5 A Yes.

6 Q Do you recall how many hours late she was on that date
7 when she came in?

8 A I don't recall that. She's frequently late, like one
9 hour, two hour. But, again, it's not a single incident; it's
10 like a sequence of incidents and make things worse, instead
11 of admit, she would come up all kinds of excuses and reasons.

12 Q Do you recall -- if I told you that she was
13 approximately three hours late, would that refresh your
14 recollection as to how many hours she was late?

15 A That's not surprising, but usually like one hour, two
16 hour late.

17 Q Did she ever call you on the date that she was late in
18 which she received the write-up?

19 A I'm pretty sure she didn't call. If she called, then we
20 just -- we forgive her.

21 Q So, she did not call?

22 A Yeah.

23 Q Did she send you an email?

24 A Sometimes when she's late, she sends email. Sometimes,
25 don't. Many times, don't.

1 Q This particular incident, do you recall whether or not
2 she sent you an email advising you that she was going to be
3 three hours late?

4 A No, otherwise, I would not wrote her up.

5 Q Did she send you a text message?

6 A No.

7 Q Had you communicated prior to the date she received this
8 incident report, had she sent you -- had she previously sent
9 you text messages?

10 A I think sometimes she send it, but sometimes she don't.

11 Q You say sometimes she sent you text messages?

12 A Yeah, sometimes.

13 Q To advise you that she would be late?

14 A Yeah, yeah.

15 Q Can you describe the age distribution of the individuals
16 in your department at the time that you were the chair?

17 A So, we have a couple of junior -- I think only one
18 junior one -- Hailey King that she mentioned at consummation
19 [sic], and all the other ones I would say is at 50 or 60 and
20 70.

21 Q And these are staff members?

22 A They're all staff members.

23 Q Administrative assistants?

24 A Yeah, administrative. I think all of them are female,
25 except two -- or one is a technician.

1 Q And they -- when you say "all of them are female" --

2 A Female, yeah. All of them are female.

3 Q And --

4 A Except one is male, is a computer expert.

5 Q And you said the ages are 50, 60, and 70, absent Ms.
6 King, that counsel referred to?

7 A Yes.

8 Q Had you previously been accused of discriminating
9 against based on age or gender by any other staff member at
10 Temple University?

11 A No, never in my life. Actually, I was -- after Chair, I
12 was promoted to be Associate Vice Provost. That job is to
13 recruit more students from different parts of the country, so
14 as to increase diversity. And because of that, Temple
15 received a special award last year for campus diversity.

16 Q Whom did you receive the award from?

17 A Temple University.

18 Q Where did the award come from?

19 A From an international organization; again, it's a record
20 that you can find for international affairs.

21 MR. HARRIS: With the Court's indulgence?

22 (Pause in proceedings)

23 MR. HARRIS: Your Honor, I have no further
24 questions for this witness. Thank you.

25 MS. MATTIACCI: I have a few, Your Honor.

REDIRECT EXAMINATION

BY MS. MATTIACCI:

Q Dr. Wu, counsel just showed you that email back from 2010 in which it said that you'd had these issues -- oops -- isn't it true that you didn't start working with Ms. Wu -- Ms. Briggs until 2009?

A Yeah, 2009.

Q Okay.

A The summer.

Q Summer of 2009 --

A Yeah.

Q -- and that email you're talking about was November 2010, so it wasn't even close to two years that you were working with her?

A Yeah, but I talking about a two-year span, right. A university's academic year from summer to the next year's summer, then to fall is another academic year.

Q Okay. Well, it would have just been you came in the summer of 2009, so it would have been first, fall semester and spring semester of 2009 and then part of fall semester of 2010, correct?

A Yeah.

Q And when you said "for the last two years" you didn't mean two years; you meant --

A Yeah, just the two years, the two academic years.

1 Q Okay. So, that wasn't a very long time that you were
2 with her, correct?

3 A It's over one year, right.

4 Q And you knew that she was in her fifties when she was
5 assigned to you, correct?

6 A Yeah, again, I don't -- I never ask a person's age. I
7 only know that by looking is about 50, I would say.

8 Q Right. Okay.

9 And then I would like you to turn to Defendant D-43 in
10 the binder there.

11 MR. HARRIS: Your Honor, may I approach with the
12 correct binder?

13 THE COURT: That would help him.

14 THE WITNESS: Yeah, I don't know how to find that
15 binder.

16 MS. MATTIACCI: And you know what? I forgot that
17 he had a screen, Your Honor. I can just pull it up on the
18 screen.

19 BY MS. MATTIACCI:

20 Q Okay. So, here is an email --

21 A Yeah, Sharon.

22 Q Sharon is in HR, correct?

23 A Yes.

24 Q And that's sent to you and that's November -- I mean
25 December 10th, 2010. So, this is in response to that email

1 that you sent to her with your Ruth problems, correct?

2 A Yes.

3 Q Okay. And she writes to you and saying:

4 "I'm writing to follow up on our meeting regarding
5 the performance with Ruth Briggs. Following our
6 meeting, I met with Ruth Briggs. Based on the
7 discussion and information received in both
8 meetings, there's no basis for disciplining Ruth at
9 this time. My recommendation is to continue to
10 assign tasks to Ruth through email with CC to Alex
11 and alert Alex to any problems as soon as they
12 become evident. As stated, Monica Washington,
13 Deirdre Walton, we talked about in HR, and I are
14 always available for consultations, as issues
15 arise. Sharon Boyle."

16 Do you see that?

17 A Yes.

18 Q And then from that point, there were no other emails or
19 records of any disciplinary action until the one, the
20 following November, November of 2011, in which you can't
21 recall why that write-up was done, the one that was during --
22 right around her birthday, correct?

23 A Uh-huh, correct.

24 Q And other than that email that counsel showed you from
25 2010, there's no other email or documentation that you sent

1 to HR in similar vein, correct?

2 A Correct. The reason is that we already frustrated
3 because we spent so much time, but still we didn't get the
4 result, but we still tried to help Ruth every week.

5 Q And you said that in regards to the issue in which she
6 overslept and came to work a little late, that if she would
7 have called, you would have forgiven her and she would not
8 have gotten a write-up, correct?

9 A Correct.

10 Q Isn't it true that she did call, but you were in a
11 meeting at that time?

12 A I don't recall that one.

13 Q You recall that she spoke to a student worker who was
14 there to relay that she was going to be late and to relay the
15 message to you?

16 A That may be another day, but I don't know if it's
17 exactly the same day.

18 Q Do you recall that being a fact?

19 A Yeah, as I said, sometimes she called in, sometimes she
20 doesn't.

21 Q And in terms of this issue concerning her walking out of
22 a meeting, is there any documentation of her ever doing that?

23 A No document.

24 MS. MATTIACCI: No further questions, Your Honor.

25 MR. HARRIS: May I, Your Honor, just briefly on the

1 limited inquiry that counsel raised?

2 THE COURT: Very briefly.

3 RECROSS-EXAMINATION

4 BY MR. HARRIS:

5 Q Doctor, we're showing you what's been marked as D-43,
6 the email that was just shown to you --

7 A Yes.

8 Q -- from Sharon Boyle to you, Dr. Wu. Do you see that?

9 A Yes. Is it on the screen?

10 Q It's on the screen, but I think it may be on your screen
11 closer to you.

12 A It's not on the screen here.

13 Q It's not on the small screen?

14 A Yeah. See, I have a vision problem now. I cannot see
15 clearly.

16 MS. MATTIACCI: I believe it's D-43 in the binder,
17 if you want to ...

18 THE WITNESS: Yes, I see it.

19 BY MR. HARRIS:

20 Q Dr. Wu, Sharon Boyle is in the HR Department at Temple
21 University, correct?

22 MS. MATTIACCI: Objection; leading, Your Honor.

23 MR. HARRIS: Withdrawn.

24 BY MR. HARRIS:

25 Q Do you recognize the name Sharon Boyle?

1 A Yes.

2 Q What department is she in?

3 A HR.

4 Q Okay. Dr. Wu, do I understand this correctly, that
5 prior to you receiving this email, you had reached out to HR
6 in --

7 MS. MATTIACCI: Objection; leading, Your Honor.

8 MR. HARRIS: It's a yes-or-no question, Your Honor.

9 THE COURT: Well, that's usually leading.

10 MS. MATTIACCI: Exactly.

11 THE COURT: Ask it -- rephrase your question.

12 MR. HARRIS: Sure.

13 BY MR. HARRIS:

14 Q Did you speak to HR, prior to you receiving this email?

15 A Yes. That's -- the mail is emailed to HR, asking her
16 for help.

17 Q Okay. Now, this email is dated December the 9th, 2010.

18 A Yes, it's after my letter.

19 Q Okay. Thank you.

20 MR. HARRIS: I have no further questions.

21 THE COURT: You may step down, Doctor. Thank you.

22 MS. MATTIACCI: Thank you.

23 THE COURT: You may step down.

24 THE WITNESS: Okay.

25 (Witness excused)

1 THE COURT: It's about 16 minutes after 4 now.

2 Rather than start with a new witness, we will recess until
3 tomorrow morning. I would like to start promptly at 9:30.

4 When you go home, the first question they ask you
5 is: What case are you sitting on? Just tell them you're not
6 allowed to talk about it until it's over and when it's over,
7 you can bore everybody with it, your stories about it, but
8 until then, do not have any conversation with anybody at
9 home, even amongst yourselves or with anyone that you see
10 here in the courtroom.

11 And as a matter of fact, with anybody who was in
12 the courtroom, you should not have any conversations on any
13 subject with them. So, until 9:30 tomorrow morning, the jury
14 is excused.

15 THE COURT OFFICER: All rise.

16 (Jury excused)

17 THE COURT: If counsel has something they want to
18 take up with me before tomorrow morning, then you should come
19 at nine o'clock. Tell opposing counsel that you have
20 something so opposing counsel is here.

21 The idea is that I'd like to start at 9:30 promptly
22 when we told the jury we were going to start at 9:30.

23 MR. MUNSHI: Yes, Your Honor.

24 COUNSEL: Thank you, Your Honor. Thank you, Your
25 Honor.

1 (Proceedings adjourned to 7/17/18)

2 (Concluded at 4:19 p.m.)

3 *****

4
5 CERTIFICATION

6 We certify that the foregoing is a correct
7 transcript from the electronic sound recording of the
8 proceedings in the above-entitled matter to the best of our
9 knowledge and ability.

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11 Transcriptionists: William J. Garling and Coleen Rand
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July 16, 2018

17 Coleen Rand, AAERT Cert. No. 341

18 Certified Court Transcriptionist

19 For JDR Acquisition, LLC./

20 Advanced Transcription
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